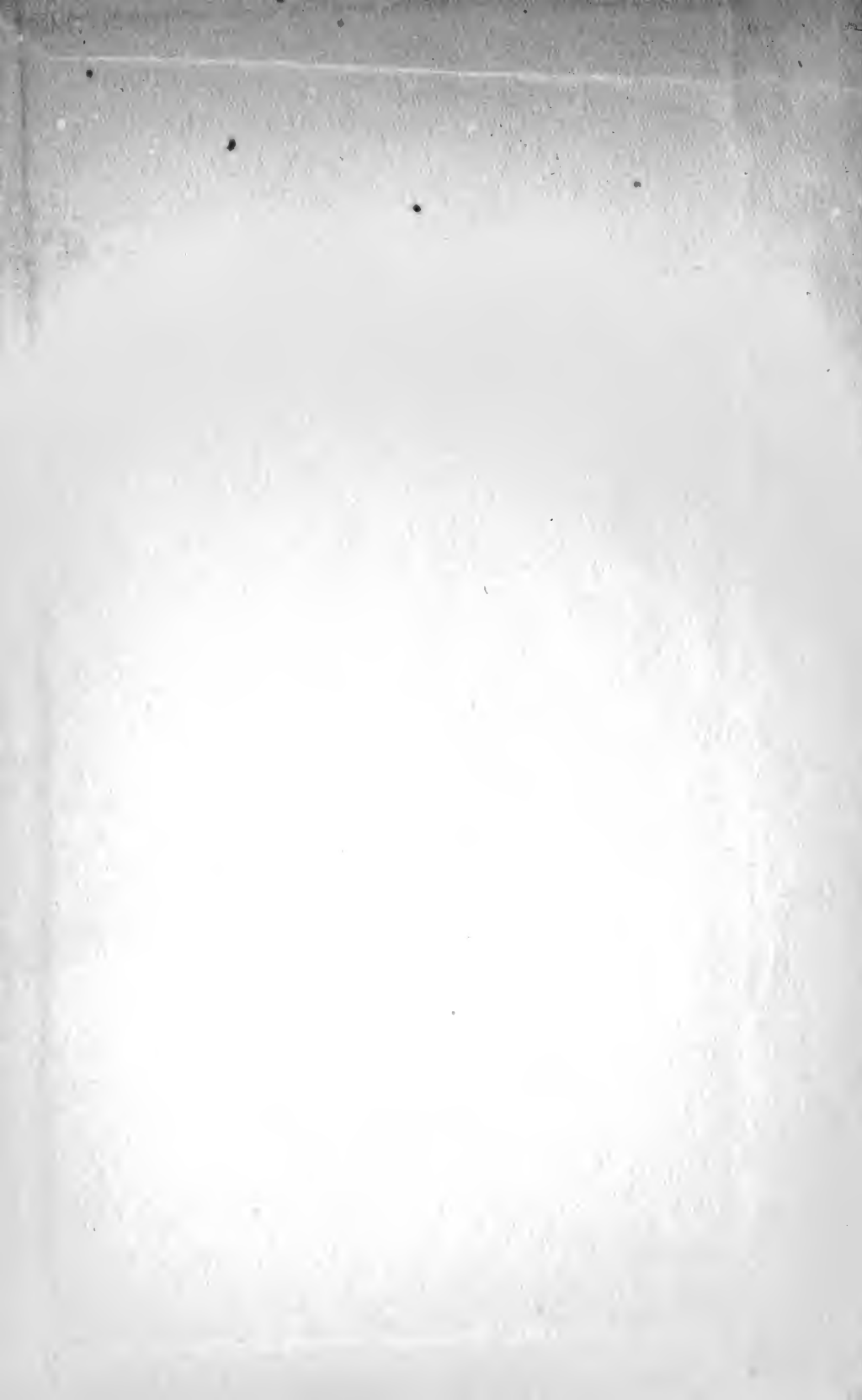



UNIV OF  
TORONTO  
LIBRARY







Digitized by the Internet Archive  
in 2007 with funding from  
Microsoft Corporation

87/115-1159  
703/6

THE QUARTERLY

LIBRARY  
EDUCATION  
I

OF THE

TEXAS STATE HISTORICAL  
ASSOCIATION

VOLUME XIV

JULY, 1910, TO APRIL, 1911

PUBLICATION COMMITTEE

A. W. TERRELL,

EUGENE C. BARKER

Z. T. FULMORE

E. W. WINKLER

W. J. BATTLE

EDITOR

EUGENE C. BARKER

ASSOCIATE EDITORS

E. W. WINKLER

119425  
61111111

CHARLES W. RAMSDELL

AUSTIN, TEXAS

PUBLISHED BY THE ASSOCIATION  
1911

11

F  
381  
565  
V. 14

# The Texas State Historical Association.

*Organized March 2, 1897.*

---

PRESIDENT,

A. W. TERRELL.

VICE-PRESIDENTS:

BEAUREGARD BRYAN,

R. L. BATTS,

MILTON J. BLIEM,

LUTHER W. CLARK.

RECORDING SECRETARY AND LIBRARIAN,

EUGENE C. BARKER.

CORRESPONDING SECRETARY AND TREASURER,

CHARLES W. RAMSDELL.

EXECUTIVE COUNCIL:

DORA FOWLER ARTHUR,

EUGENE C. BARKER,

W. J. BATTLE,

R. L. BATTS,

MILTON J. BLIEM,

S. P. BROOKS,

BEAUREGARD BRYAN,

LUTHER W. CLARK,

Z. T. FULMORE,

DAVID F. HOUSTON,

S. H. MOORE,

CHARLES W. RAMSDELL,

BRIDE NEILL TAYLOR,

A. W. TERRELL,

JOHN C. TOWNES,

E. W. WINKLER,

DUDLEY G. WOOTEN.

# CONTENTS

## NUMBER 1; JULY, 1910

THE STATE FINANCES OF TEXAS DURING THE CIVIL WAR.....	E. T. Miller....	1
REMINISCENCES OF HENRY SMITH.....	Henry Smith....	24
BOOK REVIEWS AND NOTICES.....		74
AFFAIRS OF THE ASSOCIATION.....		83

## NUMBER 2; OCTOBER, 1910

THE STATE FINANCES OF TEXAS DURING THE RECONSTRUCTION.....	E. T. Miller....	87
THE CITY OF AUSTIN FROM 1839 to 1865.....	Alex. W. Terrell....	113
THE LAST HOPE OF THE CONFEDERACY—JOHN TYLER TO THE GOVERNOR AND AUTHORITIES OF TEXAS.....	With an Introduction by Charles W. Ramsdell....	129
GENERAL VOLNEY ERSKINE HOWARD.....	Z. T. Fulmore....	146
ALBERT TRIPLETT BURNLEY.....	Martha A. Burnley....	150
THE RELEASE OF STEPHEN F. AUSTIN FROM PRISON.....		155
NOTES AND FRAGMENTS.....		164
AFFAIRS OF THE ASSOCIATION.....		170

## NUMBER 3; JANUARY, 1911

GEORGE PIERCE GARRISON.....	H. Y. Benedict....	173
STEPHEN F. AUSTIN: A MEMORIAL ADDRESS.....	Alex. W. Terrell....	182
APACHE RELATIONS IN TEXAS, 1718-1750.....	William Edward Dunn....	198
AFFAIRS OF THE ASSOCIATION.....		275

## NUMBER 4; APRIL, 1911

THE SOUTHWESTERN BOUNDARY OF TEXAS, 1821-1840.....	Thomas Maitland Marshall....	277
SOME HISTORICAL ACTIVITIES OF THE TEXAS LIBRARY AND HISTORICAL COMMISSION.....	E. W. Winkler....	294
LIFE OF A. HORTON AND EARLY SETTLEMENT OF SAN AUGUSTINE COUNTY. .....	A. Horton....	305
MICAJAH AUTRY: A SOLDIER OF THE ALAMO.....	Adèle B. Looscan....	315
WILLIAM T. MALONE.....	G. A. McCall....	325
NOTES AND FRAGMENTS.....		328
BOOK REVIEWS AND NOTICES.....		337
AFFAIRS OF THE ASSOCIATION.....		341

a.

# FELLOWS AND LIFE MEMBERS OF THE ASSOCIATION

---

The constitution of the Association provides that "Members who show, by published work, special aptitude for historical investigation may become Fellows. Thirteen Fellows shall be elected by the Association when first organized, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed fifty."

The present list of Fellows is as follows:

BARKER, DR. EUGENE C.	LOOSCAN, MRS. ADELE B.
BATTS, JUDGE R. L.	MCCALEB, DR. W. F.
BOLTON, PROF. HERBERT EUGENE	MILLER, DR. E. T.
CASIS, PROF. LILIA M.	NEU, MR. C. T.
CLARK, PROF. ROBERT CARLTON	PENNYBACKER, MRS. PERCY V.
COOPER, PRESIDENT O. H.	RAMSDELL, MR. CHAS W.
COX, DR. I. J.	RATHER, DR. ETHEL ZIVLEY
ESTILL, PROF. H. F.	SHEPARD, JUDGE SETH
FULMORE, JUDGE Z. T.	SMITH, PROF. W. ROY
GAINES, JUDGE R. R.	TERRELL, JUDGE A. W.
GARRISON, PROF. GEORGE P.	TOWNES, PROF. JOHN C.
GRAY, MR. A. C.	WILLIAMS, JUDGE O. W.
HATCHER, MRS. MATTIE AUSTIN	WINKLER, MR. ERNEST WM.
HOUSTON, PRESIDENT D. F.	WOOTEN, HON. DUDLEY G.
KLEBERG, JUDGE RUDOLPH, JR.	WORLEY, MR. J. L.

The constitution provides also that "Such benefactors of the Association as shall pay into its treasury at any one time the sum of thirty dollars, or shall present to the Association an equivalent in books, MSS., or other acceptable matter, shall be classed as Life Members."

The Life Members at present are.

AUTRY, MR. JAMES L.	KIRBY, MR. JNO. H.
AYER, MR. EDWARD EVERETT	MCFADDEN, MR. W. P. H.
BAKER, MR. R. H.	MINOR, MR. F. D.
BRACKENRIDGE, HON. GEO. W.	MOODY, MR. W. L.
BUNDY, MR. Z. T.	MOREHEAD, MR. C. R.
COCHRANE, MR. SAM P.	NEALE, MR. WM. J.
COURCHESNE, MR. A.	RICE, HON. W. M.
CRANE, MR. R. C.	SCHMIDT, MR. JOHN
DAVIDSON, MR. W. S.	SEVIER, MRS. CLARA D.
DEALEY, MR. GEORGE B.	SUMPTER, MR. JESSE
DILWORTH, MR. THOS. G.	WALKER, MR. J. A.
DONALDSON, MRS. NANA	WASHER, MR. NAT M.
SMITHWICK	WEBB, MR. MACK
GILBERT, MR. JOHN N.	WILLACY, HON. JOHN G.
HANRICK, MR. R. A.	WILLIAMS, JUDGE O. W.
KENEDY, MR. JNO. G.	



# THE QUARTERLY

OF THE

## TEXAS STATE HISTORICAL ASSOCIATION

VOL. XIV.

JULY, 1910.

No. 1.

*The publication committee and the editors disclaim responsibility for views expressed by contributors to THE QUARTERLY.*

### THE STATE FINANCES OF TEXAS DURING THE CIVIL WAR<sup>1</sup>

E. T. MILLER

Texas was perhaps the most fortunate of the Confederate States during the war. Her territory was not a battleground and was free from devastating invasion. That part of her population which was not in the armies was free therefore to follow agriculture and other pursuits unmolested. Proximity to Mexico provided a comparatively safe outlet to a market for cotton and inlet for needed supplies of various kinds. The possession, too, of a large amount of disposable assets in the form of United States bonds obviated the need of an early resort to high taxation or an extensive use of the state's credit. Full advantage of these favoring circumstances or geography and assets could not, however, be taken. Transportation of products to the Mexican frontier proved to be slow, expensive and dangerous, while the United States bonds were only partially productive and served but to stay temporarily the evil day of financial disorder. In the end the financial story of Texas was the same for this period as that of the other Southern States, though the details are less direful. It is one of trust funds violated, of debt accumulated, and of receipts and expenditures, swollen fictitiously by the depreciation of the paper money in which

<sup>1</sup>The period of which this is a study extends from August 31, 1860, to June 8, 1865. The fiscal year ending August 31, 1861, has been included not because the finances reflect the war but on account of the legislation which made the initial financial provision for the struggle.

they were payable, mounting large to meet a growing desperate situation.

### *Expenditures*

The expenditures of 1861 do not reveal the state of war except those for the Constitutional Convention and for the regiment ordered raised by the convention. Total warrants drawn for these purposes amounted to \$79,870.33 of which only \$2,139.35 was for the regiment. The total net expenditures for the year were \$577,593.51. The total net expenditures for the war period proper, or from August 31, 1861, to June 8, 1865, were \$4,863,790.55.<sup>2</sup> The portion of this that was of a military character is \$3,180,275.97. This amount does not represent fully, however, the expenditure attributable to the war. To obtain this amount there should be added to military expenditures those for hospital facilities and for the support of the needy families of Texas soldiers. In 1862 and 1863 warrants drawn on account of the hospital fund were \$104,493.58, for the soldiers' families, \$306,305.74; in 1864 and 1865 the amounts were \$107,446.02 and \$1,127,814.73 for the respective services,—or a total for the four years of \$1,646,060.07. There were refunds of \$41,950.77, leaving a net amount of \$1,604,109.30. The amount of these warrants that was paid cannot be stated. Since after May 28, 1864, civil appropriations and those for the support of soldiers' families were payable in treasury warrants, it may be assumed safely that the warrants drawn in 1862 and 1863 were paid and were therefore included in the Comptroller's items of expenditures. Because of this element of conjecture, however, no attempt is made to state the absolute amount of expenditures incident to the war, but to rest content with the statement that more than three-fourths of the expenditures were attributable to it.

A part of the military expenditures were chargeable to the Confederate States' government, and for such the state had a claim for refund. The reports do not indicate that there were any such refunds, but at the close of the war the Confederate government was indebted to the state in the sum of \$399,751.90 for ordnance, quartermaster, medical, and such stores.<sup>2</sup>

<sup>1</sup>For annual gross expenditures, see Appendix A, p. 20.

<sup>2</sup>Report of Comptroller, 1863-1865, p. 14.

At the beginning of the war all expenditures were made through the State Comptroller and the State Treasurer and were pursuant to specific legislative appropriations. In December, 1861, Judah P. Benjamin, Secretary of the Confederate Treasury, proposed to Governor Lubbock the exchange of the United States bonds then in the State Treasury to the credit of the school fund for Confederate bonds.<sup>1</sup> The need of secrecy about such a transaction and the necessity also of some organization to superintend the defence of the state of a more continuous and adaptable character than the legislature led to the creation on January 11, 1862, of the Military Board.<sup>2</sup> This board was known as the Old Board and was composed of the Governor, the Comptroller and the Treasurer. It was reorganized on April 12, 1864, in accordance with the act of December 16, 1863, to be composed of the Governor and two appointees, and was known as the New Board.<sup>3</sup> The duty in general of the boards was to provide for the military defence of the state by securing supplies of arms, ordnance, ammunition and other stores.

The two boards drew from the treasury a total of \$1,651,621.85, divided as follows:<sup>4</sup>

In Confederate treasury notes.....	\$257,191.90
In specie .....	7,729.95
In State treasury warrants.....	25,000.00
In 8 per cent State bonds.....	595,000.00
In United States 5 per cent bonds.....	634,000.00
In coupons of United States bonds.....	132,700.00

With these receipts as a basis the boards carried on the varied and complex operations of purchasing, exporting, and selling cotton, of purchasing and importing supplies, of manufacturing arms and munitions, and of working the salt deposits in Van Zandt County.

The Old Board purchased, so far as can be ascertained, 5736

<sup>1</sup>MSS. Record of Military Board, No. 101, p. 5.

<sup>2</sup>MSS. Record of Military Board, No. 101, p. 14; Gammel, *Laws of Texas*, V, 484, 499.

<sup>3</sup>Gammel, *Laws of Texas*, V, 680.

<sup>4</sup>Report of Pease and Palm, 1865, p. 1. This published account is condensed. For the full report see Executive Record, No. 291.

bales of cotton for which \$544,438.23 was paid mostly in Confederate notes and 8 per cent State bonds. One hundred and twelve bales were burned or otherwise lost, and 5551 sold for \$134,454.38. The New Board purchased 266 bales, 211 of which are accounted for by sale. The disposition of 128 bales of the total purchased by both boards is unaccounted for. Besides these direct operations in cotton, contracts were made with individuals for the export in the name of the board of cotton owned by them. These contracts contemplated some benefit to the state, as for example, the return of supplies which would be subject to purchase by the board. There is little to show, however, that any important amount of supplies was introduced as a result of these private contracts. The direct operations in cotton, though, resulted in the securing of such needed supplies as arms, cartridge boxes, powder flasks, powder, shoes, cotton cards, quinine, etc.

Most important of the funds turned over to the board were the United States 5 per cent bonds belonging to the school fund. On January 13, 1862, an agent of the Confederate States' government received from the Military Board 100 of the bonds of the denomination of \$1000 each. In accordance with the plan proposed in Secretary Benjamin's letter, a like amount of 8 per cent Confederate bonds were to be given in exchange. Secretary Benjamin shortly decided, however, that he had no authority to make this exchange, but that he would purchase of the State any arms or munitions of war which might be procured for the bonds. The failure at this time to negotiate the bonds for supplies terminated the whole matter between the State and the Confederate governments, and the bonds were returned to the Military Board.<sup>1</sup>

Of the 634 bonds the Old Board received 364 with 3311 interest coupons of \$25 each,—a total par value of \$546,775.00. These bonds and coupons were sent to Mexico and Europe for disposition, but fear of their repudiation resulted in but few of them being sold. Only 44 bonds and 310 coupons were sold by the Old Board. Their par value was \$49,750.00, and they were sold for \$38,022.50.

The New Board was responsible for 139 bonds and 633 coupons. Four of the bonds and 22 of the coupons were sold for \$4550, and 135 bonds and 611 coupons were turned over to White and Chiles

<sup>1</sup>MSS. Report of Military Board, 1865 File Case No. 55.

for cotton cards and medicines. The state did not receive the supplies contracted for, as, according to White and Chiles, they were destroyed in transit by disbanded troops.<sup>1</sup> Nineteen bonds and 80 coupons were turned over by Governor Murrah to an agent to be disposed of for medicine and cotton cards. There is no evidence of any such purchase, however, and the person to whom they were alleged to have been given denied that he received them of the agent.<sup>2</sup> The remainder of the bonds to the number of 109 and 959 coupons were returned to the treasury upon the institution of the Provisional Government.

The Old Board erected a state foundry in Austin for the manufacture of cannon, also a factory for the making of percussion caps. The foundry cost, including expenses of operation, \$172,725.12; the cap factory, \$100,292.29. The disappearance of the military demand for the kind of cannon made at the foundry, and the greater cost of public over private operation of the cap factory, resulted in the abandonment by the New Board of the operation by the State of these enterprises and in their lease to private parties.<sup>3</sup>

The boards and their successors returned to the treasury a total of \$1,006,279.30. There was returned for the most part in 1864 and in Confederate notes the sum of \$543,958.28. In 1865, unused United States bonds and coupons to the amount of \$129,975.00 were turned over to the Provisional Government, and during the period from October 13, 1865, to August 13, 1866, \$33,205.25 was returned in specie, United States currency, 8 per cent state bonds, and state treasury warrants. In 1876, a net amount of \$298,825.22 was recovered by the state on account of United States bonds and coupons of the par value of \$357,175.00 entrusted by the board in April, 1862, to Mr. J. W. Swisher for disposition and which were committed by him to English and German bankers for sale.<sup>4</sup>

The penitentiary was not a source of expense to the general treasury during this period, but was self-sustaining. The expen-

<sup>1</sup>Texas v. White, 7 Wallace, 706. See also report of Pease and Palm, p. 4.

<sup>2</sup>Report of Pease and Palm, p. 4.

<sup>3</sup>MSS. Report of Military Board, March, 1865. File Case No. 55.

<sup>4</sup>The total of the returned amounts has been deducted from military expenditures.

ditures of the school fund were small, amounting to only \$114,544.26 in the four years 1862-1865 as against \$119,351.60 in 1861. The heaviest item of civil expenditures was the support of the indigent families of Texas soldiers.<sup>1</sup> The county courts were the agencies of distribution, and beginning in May of 1863 and extending to the close of the war the assistance extended was nominally large but really small on account of the depreciated value of the notes and treasury warrants. After May, 1864, the medium of payment was treasury warrants, but these soon became practically worthless. The ordinary civil expenditures or those for salaries, support of departments and state institutions, were on a moderate scale. Salaries remained unchanged throughout the war period, and their recipients were subject to the hardship of having to meet with the same nominal receipts prices that were steadily increasing by reason of scarcity of products and inflation of the currency.

### *Receipts*

Texas entered upon the war period in an unsatisfactory financial condition. In 1860 the means for defending the frontier against Indian uprisings were largely provided by the use of the United States bonds belonging to the university fund. Despite the recommendations of the governor no increased taxation was voted at this time. By January 19, 1861, the treasury deficit was \$817,827.00, and the revenue which was to come in before the end of the fiscal year was estimated to fall far short of the deficiency.<sup>2</sup> Each subsequent year saw deficiencies, and at the close of the war the amount of treasury warrants outstanding was \$2,068,997.90.

Net receipts in 1861 were \$509,788.64, and the total net receipts during the war period, 1862-1865, were \$8,161,928.58. Roughly, about 40 per cent was from taxes, 8 per cent from sale of bonds, 38 per cent from the penitentiary, and the remainder, 14 per cent, from interest on the bonds in the school fund, the sale of land, land dues, the sale of public property, and fees. The proportion of receipts derived from the sale of bonds does not indicate, how-

<sup>1</sup>Act of March 5, 1863, Gammel, *Laws of Texas*, V, 601; Act of December 15, 1863, *Ibid.*, 675.

<sup>2</sup>Message of Governor Houston, February 5, 1861. House Journal, 8th Legislature, Extra Session, p. 17.

ever, the extent to which the state used its credit, for it does not show the extent of indebtedness to special funds for assets transferred, or the floating debt.

By the close of the war a complex tax system had been developed consisting of property and poll taxes, salary and occupation taxes.

### *The Property Tax*

The *ad valorem* rate of the general property tax remained, against the counsel of the governor, at 12½ cents in 1861, with an additional 4 cents, collectible in specie, to meet the interest and provide a sinking fund for the \$1,000,000.00 loan authorized by the act of April 8, 1861.<sup>1</sup> In 1862 the rate for all purposes was raised to 25 cents, and in 1863 to 50 cents, which was the rate also in 1864. At the above rates the taxes assessed were \$465,494.00 in 1861, \$700,609.00 in 1862, \$1,675,954.00 in 1863, \$1,790,959.00 in 1864, —a total of \$4,633,016.24. Assessed values showed a decrease in 1861 and 1862, but in 1863 they were \$335,190,700.00, and in 1864, \$358,101,886.00 as compared with \$294,315,659 in 1860. The number of acres of land, of negroes and other objects of assessment changed but little during these years, so that the increase in assessed values was due to higher valuations which were the result mainly of the inflated state of the currency.

The act of April 3, 1861<sup>2</sup> permitted non-residents of the counties to return land for taxation either in the county of their residence or in the county of its location, and the result was, as formerly, that a large amount escaped. Unrendered land amounted to 34,659,321 acres in 1861, 29,320,425 in 1862, 47,854,029 in 1863, 34,970,258 in 1864, and 56,821,220 in 1865.<sup>3</sup> The lands sold to the state for taxes for the years 1861-1864 were 7,100,000 acres. Since from the beginning of statehood to 1861 the total sold was 17,594,229 acres, the forfeitures during the war were extraordinarily large. The total number of acres redeemed during the period 1846-1863 was only 1,065,600.<sup>4</sup>

<sup>1</sup>Gammel, *Laws of Texas*, V, 375.

<sup>2</sup>*Ibid.*, V, 369.

<sup>3</sup>Report of Acting Provisional Comptroller, 1866.

<sup>4</sup>Comptroller's Report, 1868-9, pp. 110-111.

*Poll Tax*

By the act of January 13, 1862,<sup>1</sup> the poll tax was raised from 50 cents to \$1.00, and was assessed throughout the war on all male persons over 21 years of age. The assessments were as follows:

1861.....	\$28,521.00
1862.....	66,776.00
1863.....	53,798.00
1864.....	75,204.00
1865.....	56,629.00

*Business Taxes*

An extensive system of occupation taxation was begun by the act of January 13, 1862.<sup>2</sup> Some features of this act were the reimposition of a license charge upon doctors, lawyers, and dentists,—a practice which had been in abeyance since 1848; a tax of \$50 upon insurance companies,—which marks the beginning in this state of special taxes upon corporations; and the absence of any occupation taxes upon mercantile establishments other than the regular *ad valorem* rate upon goods purchased or received for sale. By the act of March 6, 1863,<sup>3</sup> lawyers and doctors were exempted from payment of a license charge, and in order to discourage the conversion of corn into liquor, a tax of \$1000 was laid on each still. The still tax was repealed in December, 1863, but was reimposed in November, 1864, as were also the license taxes upon doctors and lawyers.<sup>4</sup>

A system of taxes on the sales of distilled spirits, fermented liquors and wines was adopted December 15, 1863.<sup>5</sup> The taxes were payable monthly, and the rates were proportioned to the value per gallon. These taxes were described in the statutes and were popularly known as "income" taxes. By the act of December 16,

<sup>1</sup>Gammel, *Laws of Texas*, V, 494.

<sup>2</sup>*Ibid.*, V, 494.

<sup>3</sup>*Ibid.*, V, 613.

<sup>4</sup>Act of December 16, 1863, Gammel, *Laws of Texas*, V, 702; Act of November 15, 1864, *Ibid.*, p. 813.

<sup>5</sup>Gammel, *Laws of Texas*, V, 670.

1863, those engaged in the sale of merchandise were subject to a tax of 50 cents on each \$100 proceeds of sales, and merchandise was subject to no other state taxation. This was known as the "merchandise tax." Assessors and collectors were required to call once in every three months and get returns of sales under oath. The act of November 15, 1864, replaced the graded liquors income tax by one that levied simply 5 per cent on gross sales, and modified and extended the taxation of gross receipts. The several occupations and professions taxed were classified and different fixed charges and percentage rates applied. Wholesale merchants were subject to a tax of \$300 and 1 per cent on gross receipts; retail merchants, druggists, and auctioneers, \$100 and 1 per cent. Those keeping a billiard hall or nine or ten pin alley, doing a storage business, and cotton compressing and insurance companies, were subject to a tax of \$100 and 2 per cent of gross receipts. Railroad companies were subject to a tax of one-fourth of 1 per cent on their gross receipts; but no special provision was made for the determination of the amount of gross receipts or for the collection of the tax.

### *Income Tax*

Under the amended constitution of 1861, as under the original of 1845, the legislature had the power to lay an income tax. A beginning of income taxation was made in the act of January 13, 1862, which imposed on each person having a fixed annual salary, whether as a public officer or by private contract, 25 cents on each \$100 of such salary over \$500.<sup>1</sup> The tax was self assessed and no penalties were prescribed for failure of returns. This salary tax was not re-enacted in the act of December 16, 1863, which applied the principle of income or receipts taxation to the merchandise business, as it had been applied to the liquor business in the act of December 15, 1864. It was not until November 15, 1864, that the principle was extended, though it was yet so restricted as to make the tax an occupation tax rather than an income tax in the accepted sense of the term. Dentists and lawyers became subject to a tax of 2 per cent of the gross receipts from their professions, and presidents, directors, conductors, engineers, secretaries

<sup>1</sup>Gammel, *Laws of Texas*, V, 494.

and clerks of railroad companies, and doctors to a tax of 1 per cent. Those engaged in agriculture and mechanical pursuits and those in general who enjoyed fixed incomes were not taxed on their income as such. The income tax as thus levied was therefore a partial one.

### *Receipts from Taxes*

The financial reports of this period do not classify the receipts from the several taxes, and for the general property tax and the poll tax one must rest content with the assessments to get an idea of their importance in the tax system. The amount received from license taxes in 1861 was \$43,097. No similar statistics are available for 1862 and 1863. In 1864 the tax on sales of merchandise brought in \$54,315.76; the liquor receipts tax, \$67,423.35; while the license tax on distillers produced \$43,883.28, and the taxes on other callings only \$13,392.62. More than 62 per cent of the taxes, other than *ad valorem*, in 1864 were thus obtained from the liquor business. The act of November, 1864, was very productive, the revenue in 1865 on account of it being \$308,582.39. The license tax on distillers and other callings contributed \$172,279, the merchandise and income tax, \$136,303.

The laws imposing the gross receipts taxes especially were not strictly drawn and this fault and the disorganization of conditions generally resulted in evasion and in the imperfect assessment and collection of all taxes.<sup>1</sup> As to the tax on professions, which is the tax nearest to income taxation in the financial history of Texas, Governor Throckmorton later said that its yield was small and that it operated oppressively and unequally. He recommended a minimum exemption with a graduated but moderate rate on the remainder.<sup>2</sup>

In estimating the burden of taxation account must be taken of the taxes levied and collected by the Confederate States' government. In the administration of the Confederate taxes there was a chief collector for the state and assessors and collectors for the districts into which the state was divided for purposes of tax-

<sup>1</sup>Message of Governor Murrah, October 20, 1864. Executive Record, 280.

<sup>2</sup>Message, August 18, 1866. House Journal, 11th Legislature, Regular Session, p. 79.

ation. Texas was one of the two states, Florida being the other, which did not permit their tax officers to serve in the same capacity for the Confederate government. It was also one of the two states, Mississippi being the other, which did not assume their quota of the Confederate direct taxes.<sup>1</sup> Confederate taxation was much heavier and more rigorously collected than state taxes, and amounted for the four years 1861-1864 to the huge sum of \$37,486,854.43. Only \$26,904.64 of this amount was in specie.<sup>2</sup>

### *Character of Receipts*

The act of February 9, 1861, authorized the receipt of 10 per cent interest warrants in payment of land and the 2 per cent sinking fund of railroad bonds held by the school fund, and the act of January 11, 1862, made all treasury warrants receivable in payment of land.<sup>3</sup> After January 11, 1862, treasury warrants and Confederate notes were receivable for taxes and all other public dues, except for the specie loan tax, and for interest and principal of the railroad loans by the school fund.<sup>4</sup> The act of December 16, 1863, however, made treasury warrants, bonds and interest coupons of the state receivable in payment of railroad indebtedness to the school fund.<sup>5</sup>

The great depreciation of Confederate notes led in the spring of 1864 to the enactment that after the last day of June next and until October 31, Confederate notes of the old issue of the denomination of \$100 should not be receivable for public dues except at a discount of  $\frac{1}{3}$  and that no Confederate notes bearing interest

<sup>1</sup>Smith, *The History of the Confederate Treasury*, 25.

<sup>2</sup>Condensed account of G. J. Durham, Collector of Confederate Tax for Texas, in the *Weekly Southern Intelligencer*, August 11, 1865.

<sup>3</sup>Gammel, *Laws of Texas*, V, 355, 466.

<sup>4</sup>*Ibid.*, 481. The *Tri-Weekly Telegraph*, December 2, 1861, noted that state treasury warrants passed at a discount of from 50 to 60 per cent, and it dissented from Governor Lubbock's recommendation that Confederate notes should be made receivable for public dues. This paper opposed also the funding of state warrants and urged that the best way of making them approximate par was to make them receivable for taxes and other public dues, and advised that to this end taxation should be increased and expenditures decreased. See issues of December 16, 1861, and October 26, 1864.

<sup>5</sup>Gammel, *Laws of Texas*, V, 691; Act of May 28, 1864, *Ibid.*, 767 Act of November 15, 1864, *Ibid.*, 820.

should be received after the last day of June.<sup>1</sup> The purpose of this legislation was to compel the funding of the old issue into Confederate bonds and to sustain the value of the new issue.

The specie needed to meet the interest and sinking fund requirements of the \$1,000,000 loan issue of 1861 was provided for by a special specie tax.<sup>2</sup> This special tax began to fail in the early part of 1863, and for the year ending August 31, 1864, produced only \$1,352.77 in specie. By the act of March 3, 1863, it was provided that the tax might be paid in other funds, and the Military Board was authorized to obtain the specie required for interest.<sup>3</sup> The history of this special tax well illustrates the disappearance of specie from general circulation. Receipts in 1862 on account of it were \$36,900.06, all of which was in specie; in 1863, \$123,608.09, of which \$57,549.18 was in specie; in 1864, \$152,369.94, of which \$1352.77 was in specie. In 1865 the specie receipts were not derived from taxation, but were provided by the Military Board.

By the act of January 14, 1862, the disbursement of Confederate notes was restricted, except for about \$30,000, to the payment of military appropriations.<sup>4</sup> Other appropriations were payable in specie or in treasury warrants. Inasmuch, however, as the revenue was collected principally in notes and to a much larger amount than military expenditures could absorb, the act of March 6, 1863, provided that all appropriations should be payable in notes.<sup>5</sup>

In the spring of 1864 the Confederate currency was rated in specie at from 20 to 30 cents on the dollar.<sup>6</sup> The state recognized by the act of May 27, 1864, a depreciation of 33½ per cent, and by the act of May 28, 1864, made appropriations for the support of the civil departments of the government and for the indigent families of Texas soldiers payable in treasury warrants. These warrants, however, enjoyed no better credit than the notes had had,

<sup>1</sup>Gammel, *Laws of Texas*, V, 764. Act of May 27, 1864.

<sup>2</sup>*Ibid.*, 376.

<sup>3</sup>*Ibid.*, 596.

<sup>4</sup>*Ibid.*, 496.

<sup>5</sup>*Ibid.*, 611; Message of Governor Lubbock, February 5, 1863. Senate Journal, 9th Legislature, Extra Session.

<sup>6</sup>Message of Governor Murrah, May 11, 1864. Executive Records, 280.

and were quoted in the fall of 1864 at 8 and 10 cents on the dollar.<sup>1</sup> The constitutionality of the issue of treasury warrants which would perform some of the functions of money was questioned, but a majority of the senate judiciary committee held that they were not money and were not intended to circulate as money.<sup>2</sup> This was also the opinion of the Supreme Court of the United States in 1899 in the case involving the validity of the payments of warrants to the school fund by the railroad companies.<sup>3</sup>

The bulk of receipts during the war period was in Confederate notes and treasury warrants. During the five years 1861-1865, \$948,711.34 of treasury warrants was received, distributed as follows:

1861.....	\$ 12,278.21
1862.....	27,654.15
1863.....	333,946.77
1864.....	393,544.57
1865.....	181,287.64

No distinction was made in the financial reports between Confederate notes and specie until the year beginning September 1, 1862, which would indicate that by that date the disproportion in the amounts of notes had begun to complicate the operations of the treasury. During the three years 1863-1865, specie receipts amounted to only \$163,647.37, the most of which was credited to the special loan account and was secured for this account by the Military Board. The specie receipts were distributed as follows:

1863.....	\$72,149.97
1864.....	2,323.42
1865.....	89,173.98

Receipts of Confederate notes were \$957,137.96 in 1863; \$3,652,-813.91 in 1864, and \$1,559,757.88 in 1865—a total of \$6,169,-709.75. In the Fox table of currency values, the average value of \$1 in gold was \$5.88 in Confederate notes in 1863; \$19.89 in

<sup>1</sup>Proclamation of Governor Murrah, September 13, 1864. Executive Records, 280.

<sup>2</sup>*The Tri-Weekly Telegraph*, December 9, 1864.

<sup>3</sup>*H. & T. C. R. R. Co. v. Texas*, 177 U. S., 83.

1864. On the basis of this scale of depreciation the receipts in Confederate notes in 1863 were equivalent to \$162,778 in specie; the receipts in 1864 to \$183,650 in specie.<sup>1</sup>

Besides the excessive amount of Confederate notes in circulation which the receipts of the state and the Confederate government would indicate, there were state treasury warrants, city and county warrants, and the notes of individuals and corporations. The effect of this inflation of the circulating media, together with the scarcity of commodities, was an enormous rise in prices. As early as January, 1862, the currency became redundant, and before the end of the year public meetings were called in various parts of the state to consider the rise in prices. The depreciation of the currency was popularly ascribed to the perversity of "merchants" and "capitalists," and tariffs of prices and other coercive measures were suggested as remedies, but none were enacted.<sup>2</sup>

### *Public Debt*

From the beginning of statehood to 1860 Texas had no public debt other than that inherited from the Republic. The inadequacy of the revenue system and the increase in expenditures due to frontier defence led to a deficit in 1860, one consequence of which was a practical suspension of payment of what remained of the debt of the Republic. There was paid on this debt, however, \$8520 in 1861, \$1783.80 in 1862, and \$20 in 1863. Another result of the deficit was the appearance of a floating debt. The act of February 14, 1860, authorized the issue of 10 per cent interest warrants, when there was not money in the treasury; and the act of March 20, 1861, authorized the issue of \$300,000, 10 year, 8 per cent bonds for the purpose of funding the warrants issued for the protection of the frontier from Indian and Mexican depredations.<sup>3</sup> This funding act was repealed January 11, 1862, after \$16,000 of warrants had been funded.

The important loan act during the war period was that of April

<sup>1</sup>For Fox Tables, see Appendix B, pp. 21-22.

<sup>2</sup>*The Tri-Weekly Telegraph*, August 4, December 10, 1862; January 9, January 23, May 25, 1863.

<sup>3</sup>Gammel, *Laws of Texas*, IV, 1477; *Ibid.*, V, 360; Act of January 11, 1862; *Ibid.*, V, 488.

8, 1861, which authorized a loan of \$1,000,000, to bear 8 per cent interest and to run 16 years.<sup>1</sup> A specific tax of 4 cents on the \$100 to pay the interest and maintain a sinking fund was also authorized by the act, but it was not until January 11, 1862, that it was provided that this tax should be a specie tax.<sup>2</sup> Under the provisions of this act \$917,000 of bonds were issued, \$294,000 of which were used in funding state warrants, \$28,000 in paying debts contracted under the authority of the Constitutional Convention of 1861, and \$595,000 were turned over to the Military Board. Seventeen thousand dollars of the bonds given to the Military Board were returned and \$1000 mutilated, leaving a net amount outstanding of \$899,000. The net amount for which the Military Board was responsible was \$578,000.<sup>3</sup>

The act of December 16, 1863, authorized the issue of \$2,000,000, 7 per cent bonds, payable 6 to 12 years after the close of the war, for the purchase of cotton.<sup>4</sup> Certificates for these bonds to the amount of \$195,190.29 were issued, but only 45 bonds were issued and delivered in redeeming certificates. This debt with interest amounted at the close of the war to \$211,130.83.<sup>5</sup>

The only other bonds authorized and issued were 6 per cent bonds to fund the treasury warrants received by the school fund for interest and principal payments by the railroads.<sup>6</sup> Of these

<sup>1</sup>Gammel, *Laws of Texas*, V, 375.

<sup>2</sup>*Ibid.*, V, 481.

<sup>3</sup>The following is a statement of the disposition of the bonds held by the Military Board up to January 1, 1863, the only period for which an itemized statement is obtainable:

299 were sold for Confederate money.

3 were sold for Nichols' guns.

3 were sold for sulphur and saltpeter.

20 were paid for the Steamer Bayou City.

21 were paid for alterations and repairs on the steamer and for removing obstructions from Buffalo Bayou and Galveston Bay.

114 were used in the redemption of cotton certificates.

Total, 460.

Par value . . . . .	\$460,000.00
---------------------	--------------

Premiums . . . . .	16,422.60
--------------------	-----------

Total value . . . . .	\$476,422.60
-----------------------	--------------

MSS. in File Case No. 54, State Department.

<sup>4</sup>Gammel, *Laws of Texas*, V, 663, 683.

<sup>5</sup>Report of Pease and Palm, p. 8.

<sup>6</sup>Act of December 16, 1863. Gammel, *Laws of Texas*, V, 691; Act of November 15, 1864, *Ibid.*, V, 320.

there was issued a total of \$320,367.13, all of which was held by the school fund.<sup>1</sup>

The 8 and 7 per cent bonds were disposed of to citizens of the state for cotton, currency, and military equipment and supplies. The cotton purchased was transported to Mexico and either exchanged for military supplies or sold and the proceeds used to purchase the supplies. After the organization of the Military Board it issued a stirring circular address to the people of the state calling upon them to take the bonds at par for their cotton. The cotton growing part of the state was divided into districts and agents were appointed in each to take subscription to the loan in either cotton or money. Upon the purchase of any cotton, or the sale of bonds for money, the agent took a bill of sale and delivery and executed a receipt or certificate to the seller, which certificate entitled the seller to bonds of even date.<sup>2</sup>

The interest on the 7 and 8 per cent bonds was payable in specie. Specie interest payments were \$6009.61 in 1862, \$46,586.11 in 1863, \$40,502.90 in 1864, \$72,696.61 in 1865. These amounts were paid, though apparently somewhat irregularly, but despite them the value of the bonds fell in 1864 to less than 25 cents on the dollar.<sup>3</sup> The provision in the 8 per cent loan act for a sinking fund was not observed so far as regards a specie fund.

Treasury warrants outstanding at the close of the war amounted to \$2,068,997.90, about \$180,000 of which were 10 per cent interest warrants. In 1863 and 1864 these had a value in specie of 8 and 10 cents on the dollar.<sup>4</sup> There were at all times in 1863, 1864, and 1865 enough Confederate notes in the treasury to redeem all the outstanding warrants, but the holders held them back with the expectation of ultimately getting something better in payment.<sup>5</sup>

<sup>1</sup>Comptroller's Report, 1863-1865, p. 7.

<sup>2</sup>MSS. Record of Military Board, No. 101. On November 26, 1862, the board opened bids for \$100,000 of the 8 per cent bonds. There were bids for \$136,000 or 136 bonds. For 23 bonds a premium of 12 per cent was offered, for 25, 10 per cent and for 6, 12½ per cent. The bids for these 54 bonds were in Confederate money and amounted to \$59,995. On the basis of the Fox table of \$1 in gold for \$3.75 of Confederate notes, the specie value of the bids was equivalent to \$15,998.66.

<sup>3</sup>Message of Governor Murrah, October 20, 1864. Executive Record, 280.

<sup>4</sup>Message of Governor Murrah, October 20, 1864.

<sup>5</sup>MSS. report of Pease and Palm, Executive Record, 281, p. 118.

The state was indebted to special trust funds to the amount of \$1,455,913.86 on account of United States bonds and specie used and for evidences of state indebtedness received in the collection of revenue. The school fund was due \$1,137,406.05, the university fund, \$283,514.22, and other special funds, \$34,892.49.<sup>1</sup>

The amount due soldiers and for supplies was estimated at \$3,150,000; the unpaid debt of the Republic at \$110,613.23; miscellaneous debt at \$199,176.76.<sup>2</sup> The total debt was \$8,110,832.58. Deducting the debt of the Republic, there remains \$8,000,219.35 which represents the debt incurred from 1860 to the close of the war.

The convention of 1866 declared the debt created in aid of the war null and void, this being directed by the fourteenth amendment to the Constitution of the United States. Excessive zeal led it to go beyond this and to repudiate the civil debt contracted between January 28, 1861 and August 5, 1865.<sup>3</sup> The constitution of 1869 went still further and provided that "all unpaid balances, whether of salary, per diem, or monthly allowances due to employees of the state who were in the service thereof on the said 28th day of January, 1861, civil or military, and who gave their aid, countenance or support to the rebellion then inaugurated against the government of the United States or turned their arms against said government" were forfeited. Also, "all the 10 per cent war-rants issued for military services, and exchanged during the rebellion, at the treasury, for non-interest warrants" were declared to be fully paid and discharged.<sup>4</sup>

Under the above provisions the Reconstruction auditorial boards recognized a debt of \$251,048 to be due individuals. In 1876 and 1883-6 the school and university funds received \$857,240.71 of the amount to which they appeared creditors at the close of the war. Of the \$8,000,219.35 there was, therefore, \$1,143,181.26 recognized, leaving the repudiated portion \$6,857,038.09.

<sup>1</sup>MSS. report of Pease and Palm, Executive Record, 281, p. 116.

<sup>2</sup>MSS. report of Pease and Palm, in *Ibid.*, pp. 118-119.

<sup>3</sup>Gammel, *Laws of Texas*, V, 887, 900.

<sup>4</sup>Art. XII, Sec. 34.

*School and University Funds*

The amount due the school fund at the close of the war was \$1,137,406.65; \$766,700 of this was for United States bonds and interest coupons transferred to the Military Board in August and November of 1862; \$331,604.84 for state treasury warrants received; \$26,927 for specie used, and \$12,173.93 for interest on state bonds.

Receipts of the school fund from taxes, land sales, and interest on securities amounted during the four years 1862-1865 to \$643,525.81, while expenditures, exclusive of investments, amounted to only \$114,544.26. In 1862, \$185,520 was loaned to railroad companies. The railroad companies made no interest payments in specie during this period, but in accordance with the act of December 16, 1863, and November 15, 1864, paid in state treasury warrants a total of \$320,367.13 for interest and principal of bonds. The state funded the warrants in 6 per cent bonds, and the latter remained of doubtful validity until 1883 when they were paid. The legality of the payments of the companies in warrants was subsequently contested on the ground (1) that the warrants were issued for the purpose of being circulated as money and so were in violation of the State Constitution; (2) that they were bills of credit emitted by the state and were therefore in violation of the Constitution of the United States; and (3) that the acts under which they were issued and paid were in aid of the Rebellion and were therefore void. The decision of the Supreme Court of the United States was against the state on all three points.<sup>1</sup>

In 1876, \$297,758.22, out of a total of \$357,175 in United States bonds and coupons originally transferred, was recovered by the state and returned to the school fund.

The indebtedness to the university fund at the close of the war was \$283,514.22. This was for United States bonds to the amount of \$100,000 and specie from interest and land sales transferred to state revenue account in 1860-1862, and for treasury warrants and Confederate notes received in payment of land sales. Receipts of this fund from land sales during the four years 1862-1865 amounted to \$134,183.39. There were no disbursements other than transfers.

<sup>1</sup>H. & T. C. R. R. Co. v. Texas, 177 U. S., 66-103.

In 1866, 5 per cent state bonds to the amount of \$134,472.26 were placed to the credit of the fund to replace the United States bonds and interest used, the balance of the debt not being recognized. The bonds thus credited remained of doubtful validity until 1883, when they were paid with accumulated interest; \$10,300.41 of this old debt of war was also validated and paid in 1883, but without interest.

The effect of the war upon the school and university funds was to strip them of their sources of revenue, and as a result of conditions brought about by the war education in Texas was set back by more than two decades.

#### *Condition of the Treasury at the Close of the War*

On June 8, 1865, the total cash balances on hand amounted to \$3,368,510.07. This was made up of \$2,908,038.34 in Confederate notes, \$445,074.37 in state paper, and \$15,397.36 in specie. Only \$362,548.11 of the Confederate notes were actually in the treasury, the remainder, \$2,535,490.23, were old issues, and had been turned over to the Confederate States' depository to be exchanged for new issues. In addition to the above balance there was in the hands of the Military Board \$129,975 in United States bonds and interest coupons. This latter and the specie were the only part of the balance that was of value.

The finances of the war period which secession inaugurated ends June 8, 1865. At this date the pen which traced the ledgers of the fiscal department of the state government stops off shortly and until October 13, 1865, when the work of accounting is again resumed in a new handwriting, a gap of blank pages follow—mute witnesses of the end of a disastrous struggle and of the temporary dissolution of state government. Social disorder attended the breakup of the Confederacy and on the night of June 11, 1865, the state treasury was broken into and looted. There was little of value in it that was negotiable, so that the loss, except for something less than \$5,000 in specie, was not serious.

# APPENDIX A.—RECEIPTS AND EXPENDITURES

	1861	1862	1863	1864	1865
I. Balance on hand at beginning of year:—					
General Revenue Fund.....	77,934.02	\$ 36,866.34	\$ 108,083.00	\$ 15,819.73	\$ 15,408.12
School Fund.....	137,520.64	884,583.14 <sup>a</sup>	96,491.49	61,152.28	431,848.19
University Land Sales Fund.....	19,973.55	4,673.86	20,648.08	33,412.43	96,938.41
Special Loan Tax Fund.....			30,890.45	107,912.43	219,779.47
Total.....	235,428.21	926,123.34	256,113.02	218,296.87	2,289,401.19
II. Income Account.					
1. Taxes.—					
General Revenue Fund.....	312,120.70 <sup>1</sup>	256,367.59 <sup>1</sup>	451,117.66 <sup>1</sup>	1,649,515.08	497,988.96
School Fund.....	36,140.97 <sup>1</sup>	30,538.29 <sup>1</sup>	51,876.73 <sup>1</sup>	184,118.33	60,638.33
Special Loan Tax Fund.....		36,900.06	123,608.09	152,369.94	26,868.83
2. Sale of land script, land dues, preemption fees, etc.—					
General Revenue Fund.....	604.01	9,377.93 <sup>2</sup>	143,639.00 <sup>2</sup>	90,567.02 <sup>2</sup>	9,325.23 <sup>2</sup>
School Fund.....	18,243.75				
University Land Sales Fund.....	3,155.96	17,495.62	52,764.35	63,525.98	397.44
3. Interest on Securities.—					
General Revenue.....	981.25			705.00	
School Fund.....	57,297.78	19,500.00	4,150.00	214,619.08	105,748.05 <sup>3</sup>
University Land Sales Fund.....	16,312.97	165,545.07 <sup>3</sup>	18,450.00 <sup>3</sup>		
4. Sale of Bonds. General Revenue.....					
5. Miscellaneous.—					
Sale of Public Property. General Revenue.....	851.16	10,197.83	15,616.63	35,073.38	105,355.24
Sale of Assets. General Revenue.....	47,080.00				
Office fees. General Revenue.....		1,339.15	2,012.24		1,503.17
Penitentiary. General Revenue.....			500,000.00	1,651,907.50	1,020,803.00
Transfer from Funds. General Revenue.....	17,000.00				
Transfer from Funds. School Funds.....		35,520.00			
Refunds.....	754.27		118,460.56	55,532.02	73,980.60
Other Sources.....					593.25
Total of II.....	510,542.91	583,381.54	1,481,695.26	4,104,213.92	1,903,200.10
Total of I. and II.....	745,971.12	1,509,504.88	1,737,808.28	4,322,510.79	4,192,601.29
III. Expenditures.					
General Revenue Fund.....	467,836.30	1,008,809.43	1,158,458.58	1,830,617.50	676,938.73
Warrants received and Canceled. General Revenue.....		12,097.88	289,769.66	138,254.51	63,614.92
School Fund for Investment.....	23,500.00	185,520.00			
School Fund for General Purposes.....	110,511.47	50,954.94	24,697.06	23,734.69	10,850.76
Special Loan Tax Fund.....		6,009.61	46,686.11	40,502.90	72,696.61
Balances on hand at close of Year.—					
General Revenue Fund.....	36,866.34	108,083.00	15,819.75	1,540,835.12	2,426,661.58
School Fund.....	102,583.14	96,491.49	61,152.22	431,848.19	595,198.13
University Land Sales Fund.....	4,673.86	20,648.08	33,412.43	96,938.41	97,336.86
Special Loan Tax Fund.....		30,890.45	107,912.43	219,779.47	249,314.51
Total.....	144,123.34	256,113.02	218,296.87	2,289,401.99	3,368,510.07
Total of III and IV.....	745,971.12	1,509,504.88	1,737,808.28	4,322,510.79	4,192,611.29

<sup>1</sup>Other receipts to a small amount are included.

<sup>2</sup>Includes receipts of the school fund of this character.

<sup>3</sup>Includes \$75,362.82 received by Special Loan Tax Fund from the Military Board.

<sup>4</sup>This increase over preceding figure is due to the addition of United Bonds and Coupons taken from assets and disbursed. We have adopted this method to reduce the assets in the active account.

<sup>5</sup>The synopsis of the comptroller's report for the years 1862 and 1863 combined gives \$212,015.70 as the amount derived from bonds. This is greater than the sum of the amounts in the table by \$28,020.63. This latter amount is concealed under some other item probably in the 1863 table. We are unable to state which.

BIBLIOGRAPHY.

*The Tri-Weekly Telegraph* under date of July 15, 1864, contains the Fox Table of currency values. It says: "The following table showing the fluctuations in the gold market here (Houston) has been furnished us by Mr. Henry S. Fox, a reliable merchant of this city. One dollar in gold has been worth the following amounts in Confederate treasury notes at the times mentioned:

1861

Sept. 1-30.....	par
Oct. 1-31.....	1.05
Nov. 1-30.....	1.10
Dec. 1-15.....	1.25
Dec. 15-30.....	1.50

1862

Jan. 1-Feb. 8.....	1.50
Feb. 8-Apr. 8.....	1.75
Apr. 8-20.....	2.00
Apr. 20-May 12.....	2.50
May 12-22.....	2.75
May 22-June 12.....	3.00
June 12-19.....	3.25
June 19-Aug. 9.....	3.50
Aug. 9-Sept. 14.....	3.75
Sept. 14-Oct. 31.....	4.00
Nov. 1-30.....	3.75
Dec. 1-31.....	4.00

1863

Jan. 1-5.....	4.00
Jan. 5-18.....	4.50
Jan. 18-Feb. 9.....	4.75
Feb. 9-Mch. 19.....	5.00
Mch. 19-Apr. 5.....	4.75
Apr. 5-14.....	5.00
Apr. 14-May 3.....	5.25
May 3-7.....	6.00

May 7-17.....	7.00
May 17-June 20.....	8.00
June 20-July 4.....	7.00
July 4-7.....	8.00
July 7-8.....	8.50
July 8-10.....	9.00
July 10-August 6.....	9.50
Aug. 6-Sept. 9.....	10.00
Sept. 9-24.....	11.00
Sept. 24-Oct. 5.....	12.00
Oct. 5-12.....	11.00
Oct. 25-Nov. 7.....	12.00
Nov. 7-13.....	11.50
Nov. 13-16.....	12.50
Nov. 16-17.....	13.25
Nov. 17-20.....	15.00
Nov. 20-25.....	15.50
Nov. 25-Dec. 6.....	16.00
Dec. 6-14.....	17.50
Dec. 14-16.....	18.00
Dec. 16-31.....	19.00

## 1864

Jan. 1-3.....	19.00
Jan. 24-31.....	24.25
Feb. 1-4.....	24.00
Feb. 16-22.....	20.00
Feb. 22-Mch. 4.....	21.00
Mch. 24-Apr. 5.....	22.75
Apr. 20-May 5.....	26.00
May 25-31.....	44.00
June 1-3.....	43.00
June 30.....	28.00
July 1.....	31.00

## BIBLIOGRAPHY

Comptroller's Ledger, 1861-1865. Archives of Comptroller's Department.

Comptroller's Reports, 1860-1865.

Comptroller's Warrant Register, 1861-1865. Archives of Comptroller's Department.

Executive Records, Nos. 279, 280, 281. Archives of State Department.

Gammel, *Laws of Texas*, V.

Journals of the House of Representatives, 8th Leg., regular and extra sessions.

Journals of the Senate, 9th regular and extra sessions, and 10th regular session. In manuscript in archives of State Department.

Lubbock, F. R., *Six Decades in Texas*. (Austin, 1900.)

Miscellaneous papers on Military Affairs, 1861-1865. Archives of State Department, File cases Nos. 54-55.

Ramsdell, C. W., "Texas in the Confederacy," in *The South in the Building of the Nation*, III. (New York, 1909.)

Records of the Military Board. Archives of State Department.

Reports of the Supreme Court of the United States, 1868, 1899.

Smith, E. A. *The History of the Confederate Treasury*.

*The Texas Almanac*, 1860-1861-1862-1863-1864-1865. Galveston.

*The Tri-Weekly Telegraph*, 1861-1865. Houston.

*The Weekly Southern Intelligencer*, 1865. Austin.

## REMINISCENCES OF HENRY SMITH

HENRY SMITH<sup>1</sup>

Brazoria 18th Novr. 1836.

To the Honble M. B. Lamar

Respected Sir

In endeavoring to comply with your request, I find myself greatly at a loss. The destruction of my office and papers at the burning of San Felipe, during the invasion of the enemy, puts it entirely out of my power to furnish you with such data as would at once, not only satisfy your enquiries, but at the same time afford me infinite pleasure. The only means left within my power is to furnish you with such scraps and portions of official and other documentary proceedings as may be within my reach and draw on a very treacherous memory to complete the chain. In doing this I cannot descend to minutia or be particular as to dates, but only give a general outline of the changes and rechanges, actions and counteractions which have taken place in Texas, within the times named. And as this is done on the principles of epistolary intercourse, it will be laid on the plain basis of simple narrative, with a strict adherence to truth, but without embellishment, and with perhaps, very little comment.—I will commence with a short bio-

<sup>1</sup>The autograph document presented herewith is not signed, but it is written in the handwriting of Henry Smith throughout. It is found among the Lamar Papers in the Texas State Library. At the time that it was written Henry Smith was secretary of the treasury and M. B. Lamar was vice-president of the Republic of Texas. It is one of the fruits of Lamar's project to write a history of Texas. While all must regret that Lamar found it impracticable to complete this work, yet his careful preservation of the data collected will place all future students of Texas history under grateful obligations to him.

In 1887 John Henry Brown published his *Life and Times of Henry Smith, the First American Governor of Texas*. In the preparation of this work he appears to have had the direct and helpful assistance of the descendants of Governor Smith, and a large and interesting mass of information covering the period of Smith's public life in Texas is presented within the compass of its 400 pages. However, nowhere does he indicate that he had the slightest clew to the existence of this document, which makes important additions to our knowledge of the earlier period of the subject treated by Brown.

The spelling, punctuation, and capitalization are those of the original.

graphical sketch—not by way of writing my life, a matter in which neither you nor the world would feel any interest, but for the purpose of making comparisons, and shewing when and from whence I came to Texas. In doing this I will only trace back to the old dominion.

My father James Smith emmigrated from Bedford County Virginia at a very early period, and joined company with Col. Daniel Boone, the great pioneer of the west, on his second trip to the wilds of Kentucky where he settled with his family at a place called Smiths Station [in what is] now Garrard County, where he secured by his early introduction what was then termed a settlement and preemption right and at which place he reared a large family and died when I was about nine years of age. At that place I was born on the 20th of May 1788, was the youngest son, and was afforded such opportunities in my course of education as the situation and newness of the country would at that time permit, which by the by were quite limited, until I arrived to the age of 17 years, from that time I was engaged in various business pursuits and traveling, exploring new countries etc until about the close of the war [of 1812]. In the fall of the year [18] 15 I removed to Missouri, which was then a Territory, and there I had to suffer all the privations and inconveniences incident to new and wilderness countries, which it is unnecessary to enumerate, for it was proverbially called the land of milk and honey, and does really in some degree deserve the appellation. Though many seemed delighted and pleased with the country, I must frankly acknowledge I never was. I had many faults to find, lived in various parts of it, and finally settled near a little Town called Chariton, in the upper part of Howard County, where I lived for several years. I would here remark that previous to my emmigration to Missouri and during my residence there, I had traveled over a great part of Alabama, the Western District of Tennessee Arkansas Illinois, Indiana and in fact very nearly all the new countries that were then open for settlement, and was finally brought to this conclusion—that a man born and raised in the part of Kentucky that I was, would be very hard to please in any new country, that was then within my knowledge or at least which I had visited.

In the course of my rambles I had heard something said about

Texas both for and against: very little however was known of the country at that time for but few had yet visited it, and but few publications had been circulated respecting the country or the inducements held out to emmigrants. Being however, dissatisfied and desiring a more mild and healthful climate and having a Geographical knowledge of the localities of the country I determined to identify my fortunes with it, be it for better or for worse. And having met with some misfortunes and reverses in Missouri, was determined to leave it, believing I had everything to hope for,—that I could neither be worsted in climate, health or society, and as such determined in the spring of the year 1826 that I would in the fall of that year set out for Texas; which I accordingly did early in the month of November. I put my family and effects on board of a flat-boat, and descended the Missouri and continued on to New Orleans. The waters at that season of the year were very low which rendered the trip both tedious and hazardous. I met on the way and particularly at N Orleans many discouragements, every person who pretended to know any thing of Texas, either from personal observation or hearsay, depicted it in the most shocking and horrid point of view—cannibals, savage wild beasts of every hue and form were innumerable and in waiting to destroy the deluded emmigrant, and if even *they* should be eluded—the sword of civil war, then raging, famine or pestilence would surely close the scene. This portraiture, combining so many great evils unmixed with any seeming good, or even any probable means of escape, was certainly calculated to damp the spirits of any but a true back woodsman. Indian stories and Indian depredations were not new to me, for much had happened within my own recollection. My Mother had been captured by them in her youth in Augusta County Virginia, if my recollection serves me, and my Father was 18 months a prisoner with them since my own recollection, so that it may be fairly presumed that so far as Indian tales were concerned they would be fairly appreciated. And as it respected the innumerable beasts of prey and destruction, however inconvenient and troublesome they might prove to be, I felt an assurance that they would at least preclude the idea of starvation. It will be recollected that about that time the Freedonian party, about eighteen in number, raised the flag for Independence at Nacogdo-

ches which created some little stir in Texas, and give rise to the rumor, in New Orleans and elsewhere, of civil war raging in Texas, which however was soon quieted and corrected. At that time there was but little commerce between New Orleans and Texas, the coast was but little known and it was with much difficulty I could procure a vessel to make the trip, but finally succeeded in procuring a good schooner, commanded by a worthy and experienced seaman, had a favorable passage, found and entered the mouth of the River Brazos without difficulty and ran up and landed at the place where the Town of Marion<sup>1</sup> is now situated on the 8th day of March [18]27 making just four months from the time I embarked on the Missouri River until I landed in Texas.

The arrival of vessels in those days were so seldom that the news immediately spread over the country and the people collected for many miles around to hear the news, see and be seen, and procure such necessities as might be within their power. This was the case on our arrival, but there were then, comparatively speaking, but few people in the country and them scattered over a large territory. As I had just arrived in a new and wild country it is natural to suppose I would spare neither pains nor opportunity in making inquiries respecting the health and different localities of the country. The first Texian citizen, with whom I became acquainted, was a Captain —— his dress was the full, and fashionable, uniform of the country—leather cap a pie—which was by no means uncomly for it seemed to combine in an eminent degree the grand prerequisites of elasticity, pliancy and durability. I very soon found the Captains disposition to be that of an open frank and friendly backwoodsman—to speak freely and frankly what he thought, and think what he pleased. I immediately commenced my enquiries with the Captain, during which time however, the bottle had been circulating freely, without producing any deleterious effects, but on the contrary to brighten ideas, give scope to the imagination and untrammel the organs of articulation and emphasis. His replies to my enquiries were truly laconick, and verbatim as follows. Well Captain, you have been in the country some time and from what you have seen of it, and from your

<sup>1</sup>Marion, or Bell's Landing, was situated on the Brazos river, two miles from Columbia.

knowledge of new countries generally, I would have great confidence in your judgement; in what part of the country would you advise me to pitch my tent? I wish to combine the advantages of health good land etc etc? Well . . . Sir, you must recollect you are now in Texas, and it is large, and a d—d fine country. ask such a man, pointing to him, and he will tell you that such a point combines more advantages than any other, because he made his own selection, and lives there. ask such another one, and he will tell you that some other point is the most desirable, for the very same reasons, and so of all the rest. but, continued he, throwing aside all jesting and joking, partialities and prejudices, I'll . . . d—d if a certain section of country, naming it, does not only combine more advantages than any other portion of Texas, but . . . sir, it is the cream of the world. In what section of the country have you located yourself Captain? Wy! right there as a matter of course . . . sir, where else would you suppose ha ha. I soon found on pushing my enquiries, that the Captains replies, though laconick, were in the main correct, that every man deem'd his own judgment in selection preferable to that of his neighbour, and all seemed mutually pleased, as every man in the country seemed to be satisfied in his own mind that his particular choice was preferable to all others.

Such was the happy state of feeling in the country at that time, which is certainly not common to be met with in new countries. Unfortunately however, this state of things did not continue to exist very long. For so soon as the hardy and adventurous pioneers had by dint of industry and indefatigable perseverance pruned the wilderness of some of its asperities, and by many a hard fought skirmish dispersed the cannibal, and other savage bands, that infested the country, and rendered its settlement hazardous, things by degrees began to wear a new aspect. It was ascertained by degrees that emmigrants to Texas, were not immediately eat up by cannibals nor torn to pieces by wild beasts—that the sword of civil war was sheathed, and that their bodies were not entirely ematiated by famine—that they possessed a fine champaign country, with a mild and salubrious climate, soil inexhaustible in its fertility, and that a kind and munificent Providence sent them rain in due seasons—and isolated neglected, and despised, as Texas

then seemed to be, without notice or commerce, that her hardy pioneers, by working their own soil, and ranging their own forrests, if they could not procure all the epicurean delicacies, and shine forth in fine trappings, that they could at least, from their own industry, abundantly produce all the substantial, and many of the real luxuries of life independent of all other countries. Super-added to this she possessed an extent of sea coast, indented with many fine harbors bays and inlets, and pierced with many fine navigable Rivers extending far back into the interior of the country; so that it required no great stretch of imagination to plainly see that Texas ere long was not only calculated from her peculiar juxtaposition to become a land of agriculture but of commerce of science and of laws—and would ultimately serve as a kind of entrepot to eradicate by degrees the gross errors and fast bound superstitions which now enshrouds the whole Mexican Republic. After a few years the character of the country became by degrees better known abroad, and emmigration from the various parts of the world began to set in more rapidly and its commerce increased in an equal ratio. The country now being open and all the hazards and asperities removed—the bone-pickers began by degrees to make their appearance, such as land jobbers, agents, proxies, company agents, swindlers for themselves and others etc etc until the country by degrees became infested on every side. It was not who should have this league, or that league, but who should have this or that colony. Cupidity on the part of the land speculators and swindlers continued to show itself in a greater or less degree, while deep rooted jealousy evinced itself on the part of the Government, by the passage of the law of the 6 of April 1830 prohibiting the further introduction of colonists from the United States of the North, of which more will be said hereafter.

As before observed, the settlers of Texas at the time of my arrival were few and much scattered. All appeared to be well contented and satisfied with their lot. Universal hospitality and friendship seemed to prevail throughout the whole country, and continued so for several years owing no doubt, in a great degree to their mutual dependence on each other for protection. The Empresario then possessed the sole governing power over the colonists, who established, for the time being, a set of colonial laws for

their better Government. Laws however, were of but little use, as their commerce was very limited, and crimes but seldom committed.

The colonial system prevailed until the Provinces of Coahuila and Texas were joined together forming one state and a constitution adopted for its Government. An organization then took place under the constitution. All the country West of the River Trinity including the Gaudaloupe formed but one jurisdiction, entitled to one Ayuntamiento which was presided [over] by one Alcalde. To make these terms a little more intelligible, suffice it to say, the Alcalde is a judicial officer possessing great power, and is president of the Ayuntamiento when in session—the whole body may be compared to the Mayor and Aldermen of a city. The Ayuntamiento is the petitioning authority—all petitions to the Government must emanate from that body and pass through the Chief of Department otherwise they would be deemed unworthy of attention. It is unnecessary to say more on this subject as I confidently hope that we are now done with the use of those terms, and that their names may be lost in Texas forever. They will however serve to refer to as circumstances may require in the course of my narrative. Population increasing the lower section of the colony including Brazoria was laid off by the Ayuntamiento of San Felipe into a precinct called Victoria, to be presided [over] by a Comisario whose functions are somewhat like those of a justice of the peace in the United States. I was elected to fill that office in 1832.

It may be well to remark here that all the colonists were presumed to be Roman Catholics, or bound to become such, as that was one of the necessary prerequisites to become a citizen—and no marriage could be consummated by law without the presence and permission of a Priest and none as yet had thought proper to reside amongst us, and as necessity is the mother of invention, the system of provisional marriages by bonding was introduced, requiring the judicial officers, who were by law *ex officio* Notary Publics, to take the acknowledgement of the parties to a bond conditioned in a sufficient penalty to be married by a Roman Catholic Priest so soon as an opportunity might offer. This however exceptionable it may appear, was certainly the most sensible and natural mode which

could have been adopted under the existing circumstances, but lacking the sanction of the law, it lacked everything calculated to constitute a marriage in fact. Many couples however, not finding the marriage state to possess all the alluring charms which they had figured in their fond imaginations have taken advantage of this slip-[k]not plan—sought the bond, and by mutual consent committed it to the flames—returned to the world as young as ever and free as the air.

From the passage of the law of the 6th of April [18]30 the Genl Government had determined mischief against the colonies. She feared their increasing power and intelligence and had secretly determined to oppress or exterminate. And no doubt remains with me, but that much of the ill feeling possessed by the Govt. against the colonies, which were now various, was excited by the secret workings of unprincipled land speculators. Be this however, as it may various Garrisons were erected commanding all the ports of Texas—and the inmates of all the calabozos of Mexico were turned loose upon us, as soldiers, to fill those Garrisons comprising in all from 1000 to 1500 of certainly, the most wretched and abandoned set of cutthroats and outlaws that ever made a track on the soil of any country. The ostensible purpose was, to guard and protect the colonies from Indian invasion, protect the customs etc. These troops had been brought in by degrees and their numbers not known, as they had been concentrated at so many different points. Customhouse officers were at the same time introduced to enforce the collection of duties. Their tariff was unreasonable, and many of the indispensable articles used in the country were contraband, and the duties so high on others that it would amount to a prohibition. They were very industrious in erecting their fortifications, and the colonists for the time being, remained in statu quo.

About this time the Town of Brazoria was in a prosperous and flourishing condition emmigration was pouring in rapidly notwithstanding the interdict. Commerce was brisk and every House and shed was filled up with emmigrants and their effects. The Merchants which were much more numerous than at the present time, were frequently compelled to pile their Goods on galleries and even leave them in the streets for weeks

together, without guard or police to protect them; and permit me to say sir, notwithstanding I well know the opinion that prevails abroad respecting the inhabitants of Texas, that but few thefts or depredations of any kind, were committed here, in the time to which I allude—and during my administration as Comissario in the lower precinct, but one or two only were complained of, though opportunities and temptations were continually to be met with, as the universal honesty which seemed to pervade, had set at rest even suspicion. A few idle and dissolute vagabonds, who pursued nothing but idleness and dissipation for a livelihood, had become congregated and in order to have full scope at their favorite employment concluded at night to remove a barrel of whiskey from the street to a neighboring thicket to which access could be had at pleasure. The barrel after some days was missed by the Merchant, but search was made in vain. It was not long however, until an unfortunate artizan received a stab from one of the party and instantly died. The citizens allready tired of their dissolute and idle habits became now greatly incensed, and called on me to have the offending parties arrested which was promptly performed before escape could be effected. The principal and one as accessory was apprehended, and brought to trial. Our laws respecting criminal proceedings were very defective and like most of the Mexican laws every thing was sacrificed to forms. I was a constitutional officer and compelled to obey and execute the laws. I had a right to arrest and if found necessary hold the prisoner in custody, but could not try and inflict punishment. By the law it was my province to take the testimony in the case and transmit it 800 miles to the seat of Government to be investigated and tried by the Supreme Court. All this was required to be done in Spanish and in legal form, which but few if any in the country were capable of performing. The slightest omission in form, even the lack of a scroll below the signature of a name, was considered a sufficient defect to vitiate the whole record, and it would be sent back for correction. This was not only the case in criminal, but civil suits when taken up by appeal. To return however to the criminal—we had no jails or calaboeses as in the interior, and it was difficult to know what disposition to make of him. It was evident he deserved punishment, and was then under my controll

as an officer. In order that he should have justice and to relieve myself from the dilemma, I summoned twelve good and respectable citizens as a jury of enquiry, in order that the testimony could be made out. the testimony was examined—the proofs plain, and the fact not denied. The jury retired and very soon served me with a truly polite note, complimented me highly for my assiduity and promptness in arresting and securing the prisoners, and concluded with a notice that they had then no further use for my official services—that I might consider the prisoners as arrested from my charge, and that they would deal with them as, in justice, their crimes merited. I could not resist the multitude and of course was compelled to acquiesce. The jury very soon agreed in their verdict and as good men generally will do, yielded to the calls of mercy, as they were not willing to inflict death without a lawful warrant, they substituted the lash. The culprits were taken to the grave of the unfortunate who had been but recently buried, and there tied and whipped by the jury by turns, until an attending physician said they had enough. They were then set across the River, faced to the east, and ordered to leave the country forthwith. they took up the line of march and I have not heard of them since. As the ferryman was crossing them over the river, the officer who had arrested them was in possession of the unfortunate weapon, a kind of dirk, which had done the mischief—the bank was crowded with people, and he threw it over the bank into the river after them, and as from a kind of instinct, some twenty or thirty followed the example and for ought I know, there was not a dirk or dirk-knife in the possession of the bystanders that was not committed to the deep. The balance of the party precipitately dispersed and Brazoria had peace and quiet for a little season. I will here remark that no man probably has a greater regard for law and order than myself, and none can more detest and abhor arbitrary or mob laws as they may be termed, than I do, but situated as we were at that time, necessity required it, and I am proud to say, with but few exceptions, that when that course has been resorted to, that it has generally been managed with prudence and discretion.

The government having determined to put the colonists to every possible test, about this time, sent all the way from the City of

Mexico, a Priest to reside among us and administer to our necessities. He purported to be a man of great consequence if titles could make him so, for it took up half a column of a newspaper to contain them all, such as minister plenipotentiary, vicar General, . . . He was an Irishman by birth, and had frequently licked the blarney stone before he left the emerald Isle. he wore a wig, or was white headed from age—grave gentlemanly and prepossessing in his appearance and manners at first interview, but proved to be as vain vulgar and very a scamp as ever disgraced the colony . . . Thus much I can say for the venerable Padra whose province it was to redeem the colonists from Herecy and infidelity, and make them true Christians. His sage appearance and seemingly good manners caused him to be kindly received by the colonists, as a kind of necessary evil, which they could not well avoid. Every courtesy and attention was paid to him, and for a time, him and his parishioners got on very well together. he never troubled them with church service, but confined his duties to baptism and marriage ceremonies. This was a snug little money-making business, two dollars for baptism and twenty five for marriage, when it is recollected that all both old and young were subjects for baptism, and all who wished to marry as well also as those who had been bonded for years, had now to come forward and have the slip-[k]not made fast. he immediately issued his edict forbidding provisional marriages, which rendered it very inconvenient to the people, who lived scattered over a district of country several hundred miles in extent. They however, paid very little attention to his edict except those immediately in his vicinity. It really looked dry and peculiarly odd to me to see those who had for years been living together as man and wife, and had perhaps a large family step forward to the marriage alter. It seemed to carry with it a kind of acknowledgement of both, error and crime. Immediately after his arrival a number of these old married people determined to save trouble by having one grand wedding and give the Padra an opportunity do a whole sale business. They accordingly fixed on a convenient point and an arrangement made with the Padra to meet them there at a time fixed. Every preparation was made and a splendid barbeque prepared, with all the necessary exhilarating libations abundantly provided, so as to make it a day of rural

felicity. I had taken it upon myself to attend to the reception and comfort of the Padra and suit, and accordingly had a snug little house fitted up for his reception, at a convenient distance from the main crowd and bustle. The bed was comfortable and tastefully caparisoned—the table groaned with its weight of the abundant luxuries of the country tastefully arranged with a pyramid of the most transparent and luscious honey comb in the centre. The day was fine and every countenance seemed to brighten with the prospect of the anticipated enjoyment, not for the pleasure of being, or seeing, the old people married over again entirely, but the baptism, the wine—the dinner, the dance and with many, the sight of a Roman Catholic Priest was equal to a rare show in Texas—a thing of which they had long heard, but never seen—and really with some, having heard much said about them, they were at a loss to conjecture whether the Priest could be a natural man, or some kind of a beast. Expectation was on tiptoe—the Padra arrived and was conducted to his mansion, and it was soon discovered, that he looked like a man, and talked like a man, and finally concluded that he was nothing but a common man—and an Irishman at that. The Padra seemed to be well pleased with the provision made for his comfort passed many encomiums on the taste displayed and seemed much surprised to find so many of the real luxuries of life in the wilds of Texas. So soon as he had become rested and taken the necessary refreshments with a few glasses of generous wine, I was called on, being generally acquainted with the people, to act as a kind of precursor, and requested to go and take down the names of the candidates for matrimony, in order that the necessary certificates be prepared and in readiness. This I complied with and returned with a muster roll of twelve rank and file, no new candidates having offered. While these things were in preparation I was requested to return and make out a roll of the names of all the candidates for baptism. now the test was to be made, though no religious societies were tolerated in Texas, yet prejudices deep rooted by early education rose up in strong opposition, and with many the idea of being baptised by a Roman Catholic Priest carried with it an everlasting stigma and disgrace. I applied to those who seemed the elders among the people, and I found very few without some kind of excuse, either that they had been baptised when

they were young, or that they had belonged to some religious order before they came to the country and that they by no means considered a second baptism necessary, as such I met with poor success and immediately returned and made my report I told the Padra that fortunately for the good people of Texas they had generally emmigrated from Christian countries and had many of them been baptised before they came here, and some had religious scruples respecting the propriety of a second baptism. I never had been baptised myself and as such was a willing candidate because necessity required it, but was anxious to draw him out on that point. He requested me to go and tell his good parishioners, that they need have no scruples on that account, that he did not consider a second baptism necessary provided they had evidences that they had been baptised in the true faith. Well Padra there are so many different faiths now in the world I am entirely at a loss to know which is the true faith? You will excuse me for the enquiry, what do you call the true faith? the true faith is the Roman Catholic Apostolic, all other is herecy.

I returned to the company with my explanations, still there seemed to be great unwillingness, with much exertion and argument as to the absolute necessity; but with very many, the pill could not be so gilded as to be tamely swallowed, and I only succeeded in procuring a list of about forty, out of a company of perhaps two hundred. I reported my list, and told the Padra that I had probably enrolled as many as he could conveniently get through with that evening, and the balance would have to wait another opportunity. I did not wish to let him know that any persisted in refusing after being informed that if they had previously been baptised that he would baptise them conditionally. Everything now being arranged, I was requested to muster my forces. I immediately issued orders for a general parade. During this time however, the brides and grooms being used to married life, did not feel that intense interest that is common for young expectants and they had become scattered and separated so that it was with much difficulty they could be paired, and a complete hurly burly commenced. have you seen any thing of my wife? have you seen any thing of Jim? I cant find him. I cant tell what in the plague has become of him. have you seen any thing of Polly I cant find her

to save my life. all was hurry scurry and one hour at least was spent before they were ready to fall into line, and even then one poor woman had to march without her husband, for find him she could not. I comforted her however, by telling her she should not be disappointed, that if he did not come in time she should certainly have another. They were marched up in solid column and formed a hollow square around the Priests table. The delinquent had not been found though many were in search of him.

The ceremony now to be performed was by a Catholic Priest . . . something new in Texas, eyes, years [ears] and mouths were all open. the baptism commenced first, as heretics could not be lawfully joined in matrimony until they were baptised in the true faith. Next commenced a kind of liturgy—that finished, the marriage ceremony, which was short and a mere conjoining in lawful wedlock closed the scene. They had all been conjoined but one couple and the lone woman, when her husband made his appearance quite out of breath, his hair flying his eyes walling with a wild and frightened look. He did not know how much harm he had done nor really what it all meant, for he had been raised with hue and cry and told to hurry, or the Priest would take his wife from him. The scene take it all in all, was truly ludicrous in the extreme. Most of them had children and some five or six. To see brides on the floor, and while the marriage rites are performing, with the bosoms open and little children sucking at the breast, and others in a situation really too delicate to mention, appeared to me more like a burlesque on marriage than a marriage in fact. It was a fine scene for a painter and afforded much for amusement, and much for serious and sober reflection.

The reign of the Padry among us was however, a short one, and his conduct soon brought him into contempt . . . I know not whether he was a fair sample of the Priesthood of that order, and as such would not be understood as aiming to cast reflections on any but himself.

The military had now become pretty strongly fortified in their various Garrisons, and began to shew us their true intentions by making us feel their power. The civil arm was paralyzed, our citizens incarcerated for slight and trivial offences, and trial by the civil authorities refused. This state of things could not long be

borne by those who considered themselves freemen. The commandant of the post of Anahuac had by his arbitrary and unprincipled conduct become odious to the colonists, and the reduction of that post was first contemplated. Public meetings were got up, committees appointed and resolutions adopted with patriotic address[es] circulated calling for volunteers to rally and release from arbitrary confinement their fellow citizens and redress their public wrongs. It was not long until from four to five hundred volunteers were concentrated on the plains of Anahuac. A demand was made for the release of the prisoners and a conference was had and a treaty entered into. The stipulations were formally drawn up and signed, and on the faith of which many of the volunteers had returned to their homes. As soon as this was ascertained, the Mexicans, as they are very capable of doing, committed a breach of faith and the treaty went for nothing. This greatly exasperated the volunteers and runners was despatched to the various parts of the country to recruit, and also to procure some small pieces of artillery which were at Brazoria. There happened to be a fine American Schooner in the River at that time. She was immediately pressed to take the Guns ammunition etc to Anahuac.<sup>1</sup>

It will be recollected that there was a strong fortress at the mouth of the river Brazos [Velasco] garrisoned by about one hundred and fifty men, well armed and provisioned with one long brass nine mounted on a carriage and one iron four pounder on a pivot. This fortress had to be passed, and whether the commandant would permit the vessel to pass out was questionable. The citizens, and the officer of that garrison were at a good understanding, but he was subordinate to the commandant of Anahuac. A public meeting of the citizens was called and a consultation had. I urged the reduction of that place first, and to take it by surprise. This however was opposed and a committee sent to see if permission could be had for the vessel to pass out, but as might have been expected, permission was refused. I then urged the immediate reduction of that post, and a committee was raised to take the matter into consideration and recommend to the meeting what course should be pursued. The committee met in consultation, of which

<sup>1</sup>For an account of the disturbances at Anahuac, see *THE QUARTERLY*, VI, 265-299.

I was one, and still continued to urge the propriety and necessity of reducing the fort at Velasco, by strategem if possible, or otherwise by storm, and with much persuasion and argument a majority of the committee concurred with me in opinion, and we so reported. This was now evening and 10 o'clock the next morning was the time appointed to rendezvous on the east side of the river armed and equipped for the contest. At the time appointed about one hundred men and boys were assembled with such outfit as the shortness of the time would permit them to procure. Officers were elected and the line of march immediately taken up for Velasco. We arrived in sight by 10 o'clock the next morning and encamped on the river about two miles above the fort where we were well sheltered by an intervening point of timber. Here we had to remain several days to make the necessary preparation for a storm, as we found the garrison was advised of our approach and designs, and the commandant being an energetic and efficient officer could not be taken by surprise. The vessel which had been procured was now intended to cooperate with us in the attack. She was mounted with four six pound carronades and one swivel. But few round shot could be procured, and balls were made of drawing chains wound up to suit the caliber, and slugs cut of square bar iron and junk bottles filled with buck shot. This was the best preparation that could be made to storm a fort in which a breach could not have been made by the heaviest mettle. The men on board was protected by a breastwork of cotton bales. During the time our vessel was getting in readiness, we had prepared a kind of breast work for the land forces which was made of cypress plank ten or twelve feet in length nailed on battons to the widths of about four feet which were to be set up with props. During this time scouts were ranging every night to surprise their picket, but none could ever be found and as such the fort was closely reconnoitered every night, and such observations made as circumstances would permit. The enemy during this time were not idle. Every vigilance was used to strengthen their works and secure provisions. All things being in readiness the plan of attack was agreed to. The vessel was to be furnished with a sufficient number of men to manage her guns. She was to drop down the river and moor herself at a certain designated point, distant from the fort one hundred

and sixty yards. From our place of encampment it was much further by water to the fort than by land. The vessel was to drop down to a certain point and there await a signal. We had also a keel boat, on board of which was put our palisadoes, spades, hoes axes etc. One company consisting of about twenty men was ordered to strike the Gulf east of the fort and follow the beach down to a certain point, and lodge themselves in the drift logs, within about one hundred and fifty yards of the fort, and bring on the attack by opening a fire on the fort at a given hour. It will be recollected that we had a bayou, called east union, to cross which was within about half a mile of the fort—was a deep and muddy tide water bayou across which a bridge had been thrown previously, but the Mexicans had anticipated us, and removed the planks, though they had not time to get away the sleepers, which however, were narrow and full of long iron spikes, which rendered a passage on them not only tedious but dangerous. We well knew they had the bearing of that bridge and if they could only find us out in crossing, that we must suffer severely from the effects of their nine pounder, but this we were obliged to hazard. The balance of the men were divided into two companies. One a select band of about twenty whose duty it was to act as pioneers to march in front and afford protection to the others who bore the palisadoes and other implements, and to serve as a breast-work to them, and protect them from any sally that might be made from the fort until the breast-work was planted and the ditch made, and then to take shelter behind it. This select band I had the honor to command, and Captain John Austin took command of the other. So that the land forces were divided into three companies, but with a view that all would ultimately cooperate at the breast-work so soon as it could be planted. It was believed that the company sent round to the east to bring on the action would employ the attention of the Garrison until the vessel could drop down to her moorings and then she was to open her battery, and under the two fires it was presumed that the palisades could be planted and the breast-work made and remain unobserved until daylight, when every shot would tell, and if they would not then surrender that a sufficient number would jump into the ditch, which surrounded the fort, with spades hoes axes etc and cut their way through while the remainder af-

forded them protection from the breast-work. This was the contemplated plan of attack, and every thing ordered and prepared accordingly. All things in readiness we took up the line of march about eight o'clock at night, and reached the bayou and their awaited the arrival of the vessel. The wind being high and contrary she could not get down so we were compelled to return to our encampment which took up very nearly the whole night. The next night however, was a calm clear star light night, and the second attempt was made with success. The company ordered to bring on the action marched in front and crossed the bridge first and continued on to their destination, the balance crossed over and obliqued to the left halted and lay down on the grass awaiting the time for further action. Our vessel presently rounded the point and hove in sight, all was yet as still as the grave, as soon however as she had cleared the point so as to be discovered from the fort, it was ascertained that the enemy was not asleep, they let off their nine pounder and threw a double headed shot through her rigging, but she sustained no injury. We were lying directly in a range between the fort and vessel and the shot passed immediately over our heads. The stillness of the night, the flash and report of the gun, and the peculiar noise of the ball, caused thoughts to hurry through the mind, the pulse to vibrate and the blood with an unusual flow to thrill briskly through the veins. This was the signal, not only that there was an enemy there, but that he would fight. It was not long however, before our own company opened a full volley on the fort. Issue was now joined and the battle commenced. The tide was setting out and the vessel soon got to her moorings and opened her battery also. The sight was truly sublime and the effect thrilling. The fort was a complete circle enclosing but a small area<sup>1</sup> so that it was full and completely manned. The nine pounder was planted on an elevation in the center of [or] perhaps, ten feet above the musquetry. As soon as our company opened on the fort it seemed to ignite instantaneously and flame like a volcano. And from that time until the battle ended, the fort seemed to emit one continued blaze of fire—directed to all points. They had burned all the houses but two, one was

<sup>1</sup>For a description of the fort at Velasco, see *THE QUARTERLY*, I, 282-284.

used as a custom house, and the other a small office, everything else had been burned and the whole coast was cleared for action.

Our keel boat has quietly slipped down under cover of the bank and lodged in behind the custom house, to which point we were immediately ordered to repair. It may well be supposed from their mode of firing that the bullets were cutting the air in every direction. We had however by this time learned one thing, and that was in some measure to escape the shot of the nine pounder. She was so much elevated above the musquetry that we could always distinguish her flash and immediately fall flat to the ground until she fired and then up and on again—by this means we frequently saved ourselves from destruction. Captain Austins command took shelter behind the custom house in order to prepare for carriage the things necessary for the breast-work, and my own command halted some fifty yards to the left in the open plain all lying close to the ground and waiting the movements of the other company. So soon as I found them in motion I immediately took up the line of march direct for the fort with a brisk step, and marched in front of the other company. We were then within one hundred and fifty yards of the fort. Captain Austin had from some unfortunate neglect put his company in motion too soon and was compelled to call a halt and at the same time halted very nearly all of my company without my knowledge. Never having looked back from the time I took up the line of march I did not know what had happened, until I halted within a few feet of the ditch, where I expected to form the line, when to my surprise I found I had but five men, what had happened I could not tell, I stooped low to get the light of the Gulf and river but could see nothing in motion. I concluded that they had received a destructive fire and were killed and dispersed. The fire during all this time was tremendous, and the place I occupied was truly a warm one, and [my men being] too few in number to effect any thing I retreated back to the keel boat where I soon found out what was the matter, had some little altercation about it, but proceeded to rejoin the company took up the line of march under a tremendous heavy fire, and without sustaining the slightest injury planted the palisades within thirty paces of the fort so that their nine pounder could not be depressed enough to bear upon us. but [we] were compelled to stand the four pounder and musquetry. It was understood that

we were not to fire a gun until daylight unless a sally from the fort compelled it, but unfortunately for us, before we had time to brace the palisades one of our men from being too highly excited fired his gun which notified the garrison of our presence and they threw in one of the most destructive fires upon us that can be imagined. The unfortunate man who fired his gun immediately fell, with many others. We soon found that our breast-work without a ditch and embankment afforded little or no protection. Every exertion was used in throwing up sand by one part while the others were fighting, and we finally succeeded in getting our situation a little more secure. Our company who brought on the action did not come to our assistance as was expected. And what we had suffered from desertions, deaths, and in wounded rendered our number of effective men contemptible in numbers by the time day light appeared, but the little band could not be discouraged, though greatly fatigued and exhausted, as they had then been two nights without sleep and a long time without water or any sort of refreshment. After day appeared a Mexican dare not shew even his eye or it was [k]nocked out if only a finger it was shot off, and even the hair of the head would be shaved, until they became alarmed at our perseverance and determination and their battery was very nearly silenced. The morning was lowry and about eight oclock there came on such a heavy storm of wind and rain as is seldom to be met with and we were literally drowned out and compelled to retreat without sustaining however any injury. Most of the effective men took shelter on the vessel and all the wounded that were able made their way to the camp, of which number I was one, though not very serious, and but few at the breast-work that escaped entirely except those who fled at the onset. Immediately after the storm had subsided, the white flag was seen flying at the fort which led to a capitulation and surrender and a treaty [was] entered into, and on the next day they marched out and gave us possession and they had permission to leave the country, which was all we wanted.

The Garrison lost thirty two killed and a great many wounded, We lost seven killed in battle and three more who soon died of their wounds, some badly wounded and a great many slightly. Our company located in the drift [had] done the enemy no injury nor

did they receive any. Our vessel [had] done the enemy no injury but had one man killed and one wounded.

Our breast-work was riddled literally to pieces and it would seem impossible that a man could possibly escape death who was behind it. Take this battle all together, and History in the most chivalrous times cannot equal it—the number engaged, the hurry in which they were called, totally undisciplined, badly armed, and under a heavy fire to march up coolly and deliberately within thirty paces of a strong fortress of disciplined troops well armed and very nearly double their numbers, with a determination to succeed, really seems to savor more of wreckless hardihood than of true courage<sup>1</sup>

So soon as it was ascertained that the fort of Velasco was reduced the commandant of Anahuac deserted his post at night and fled for New Orleans and the Garrison surrendered. The people of the vicinity of Nacogdoches raised in arms and reduced that post, and finally the troops were glad to get out of the country and the old Padra with them. Texas was now cleared of custom-house officers, the military and Priesthood and we then had peace for a little season. Much might be said here of the acts of our famous Ayuntamiento of San Felipe about that time, how strongly they opposed us, and called us rebels, called on the militia to put us down etc all of which should be matters of History, but in as much as they could effect nothing, and their acts not very creditable to themselves, I hope they may be forgotten and for ever buried in oblivion. It will be recollected that at this time Bustamante [Bustamante] was in power in Mexico and had abandoned the constitution and was aiming to establish a central or military Government and Santa Ana was in opposition to him and battling for the constitution. We had declared in favor of Santa Ana, not that we had any choice in names for we had no more confidence in one Mexican than another, but we had been sworn to support the constitution and were willing to redeem our pledge. the fact is we were determined to protect ourselves from insult and injury. We could not be called rebels, because we were battling for our own constitution and too, under the Mexican flag which we had nailed

<sup>1</sup>Accounts of the battle of Velasco have appeared in *THE QUARTERLY*, IV, 36-39; VI, 288-292.

fast to the mast head, with Constitution in large capitals marked upon it, so that it could not be mistaken. Proper representations having been made to the Government, things went on smoothly for a time. the Government found that though we were young and feeble, still we would not easily submit to imposition and abuse how specious soever might be the pretexts. Our remonstrances, though courteous and respectful, were bold manly and spirited, and calculated from our bold and dignified manner, to show to the Mexican Nation, that our constitutional and vested rights should not be infringed with impunity and that if we were not respected by them, that we at least respected ourselves as freemen

The Congress of the State of Coahuila and Texas had now divided the country west of the Trinity into two jurisdictions and Brazoria was made the capital of the lower one, and in [18]33 I was elected the Alcalde for that jurisdiction. This was an office of high trust and responsibility, and rendered more particularly so owing to our great distance from the seat of Government of the state which was then located at Monclova and the Political Chief for the Department of Texas was located at the Town of San Antonio de Bexar. The jurisdiction over which I was elected to preside was a commercial one, and business of great importance and involving large amounts were daily to be adjudicated and settled. The entire want of laws and precedents, rendered the discharge of the duties of that office one of ardent solicitude. I feel proud however to say that my administration, though one of arduous labor and solicitude, received from my fellow citizens that ascent of universal approbation, which is ever grateful to the feelings of a man who felt the responsibilities of the trust reposed and discharged his incumbent duties with an honest zeal commensurate with his abilities

I will remark here that immediately after Texas was rid of the military and before the excitement had entirely subsided, Texas considering herself as possessing all the prerequisites required by the Federal Constitution to form a state Government, had determined to be separated from Coahuila, who had ever treated the colonies like a stepmother, and form a separate state Government. Primary meetings were called committees raised and a convention of all Texas met at San Felipe and framed a constitution. I was

elected a member to that convention but owing to indisposition did not attend. The Government was ably and respectfully memorialized and petitioned on the subject and an agent despatched to Mexico to procure a ratification. He was thrown into a dungeon and our memorial treated with contempt. These efforts on the part of the colonies had caused our own state Congress to treat us with a little more attention and some laws were passed for our benefit. Texas heretofore composed but one Department, and it was now divided into three as follows—the Department of Bexar, [of] Brazos and [of] Nacogdoches each to be presided by a Political Chief, and in addition to the Alcaldes we were allowed primary judges in the several jurisdictions and also a superior judge possessing appellate jurisdiction. By his Excellency the then acting Governor of the State I was commissioned the Political Chief for the Department of Brazos. This was the highest trust that could be conferred on an adopted citizen by the Constitution, and one that I had neither sought nor anticipated. I entered on the duties of that office in the fall of the year [18]34.

During all this time emmigration continued to flow in rapidly and the cupidity of land speculators to increase in an equal ratio. The name of Empresario had long since incorporated itself with that of swindler, and every thing connected with the settlement of the country seemed to be objects of barter and sale and speculation. I had allways been viewed by the speculating mania as their evil genius, and as being ever in opposition to their swindling interests. They were now strong, united, unprincipled and managing, ruled elections and had all appointments made to suit, and be subservient to their own purposes. The office I then occupied was a kind of intermediate one, everything to and from the Government had to pass through my hands and in a great measure subject to my controll, hence it was necessary that they should use their combined efforts to remove me and have my place filled with a material which would yield more readily to their purposes as they had then in contemplation large and important speculations. Coahuila had now become divided herself, the cities of Saltillo and Monclova were contending for power and each had their own Governor, and all was confusion. It will be recollected that Santa Ana by this time had succeed[ed] and put down and banished

Bustamenta [Bustamante] and instead of restoring the constitution had determined on centralism. Saltillo had declared in favor of the plan and Monclova opposed or rather waived a declaration. The State Congress sat at Monclova in the spring and the land speculators taking advantage of the confusion went on prepared to buy up the Congress to sell them land and pass such laws as they might dictate all of which they effected without any great cost or trouble,<sup>1</sup> for money will do any thing with a Mexican, . . .

These things greatly incensed the Saltilians who had got no share of the booty and they determined to put down the Governor who had shared some of the benefit, and united with a few military troops they compelled him to desert the Capitol. All was then entire confusion—the Ayuntamiento was immediately convened and with all the pomp and parade imaginable declared the Executive chair vacant, and immediately proceeded, in conjunction with a few military officers and a few bystanders, in all about fourteen in number, to elect a new Governor for the State, and the individual elected was a military officer who was formally conducted to the Executive chair under the ringing of bells and the roar of artillery. The State of Coahuila and Texas then had one constitutional Governor one military Governor and one factional Governor all however resident in Coahuila. This really seemed like confounding confusion itself.

The constitutional Governor being removed I ceased my correspondence with the Executive Department until it again seemed to be organized Constitutionally. About this time I wrote a piece called Security for Texas which I herewith transmit marked A.<sup>2</sup> It was hastily drawn up and thrown before the people under the then reigning anarchy and confusion. I would remark here that the convention had created a Central Committee at San Felipe and Sub Committees in every jurisdiction as a means of disseminating information on any emergency as we were much scattered and had no mails. When this piece was thrown into circulation the Central Committee met in San Felipe, which however had undergone many changes in its members since its first creation, owing

<sup>1</sup>For an account of this land speculation, see THE QUARTERLY, X, 76-95.

<sup>2</sup>Dated October 20, 1834, and printed in Brown, *Life and Times of Henry Smith*, 30-44.

to deaths removals etc and at that time were in a great measure subservient to the views of the speculating party, and as such they made strong opposition to my publication in one of their own which they circulated throughout the country, and which I herewith transmit marked B<sup>1</sup> I immediately replied to them in another communication which you will find marked C<sup>2</sup> which piece they never answered. The truth was the speculators had not completed their business and they were determined that Texas should make no move until their objects were completed. The General Government not being sufficiently settled down on the new plan and wishing to keep the colonies lulled, the President usurped the power and ordered a new election for Governor and that the military Governor should hold his seat until the Governor elect should be installed. The speculating mania were in waiting to get the new Governor to confirm and complete their unfinished business. The military were not however pleased with the choice of new Governor and determined to oppose him. The Congress was in session and had appointed a Governor ad interim until the new one could be installed the roads were guarded by the military to prevent his approach to the Capitol. They finally succeeded in getting him there by stratagem but his reign was a very short one. the speculators endeavored to get him into Texas in order that their business could be completed. The Congress was dispersed the Governor overtaken and sent a prisoner to a foreign Calaboose, and the speculators scampered for life and fled into the colonies. About this time communications were received from an anonymous writer in the City of Mexico signed O. P. Q. informing us that mischief was planned against us by Santa Ana, and that Col. Almonte would soon be among us for the special purpose of spying out the country preparatory to operations against us, and strongly recommended to us to detain him as a prisoner.

We soon found that O. P. Q. had not deceived us, Almonty arrived in Texas as we had been advised. He was however received and treated with every courtesy—had seen the correspondence of O. P. Q. but disavowed the charge, and the balance of his history you know from personal observation.

<sup>1</sup>Printed in Edward, *History of Texas*, 225-231.

<sup>2</sup>Printed in *The Texas Republican* (Brazoria), December 13, 1834.

All Government had now ceased, and Texas was like a vessel on the rolling billows without compass or helm, and anarchy and confusion reigned without controul. The speculating party were anxious to raise troops and rally to the rescue of the Governor and bring him into Texas. In this however they were opposed for it was easy to fathom their motives. The inhabitants were so scattered and the means of disseminating information so limited that it was very difficult for us to act in unison on any general principle. The Government had previously sent one company of troops which were stationed at the post of Anahuac. Col. Travis having been once maltreated at that Garrison raised a small company of volunteers in the neighborhood and took them prisoners without opposition<sup>1</sup>. This seemed to have been done without consultation and was by many disapproved. Genl. Cos was at this time recruiting an army at Matamoris, and at the same time endeavoring to lull the colonies into security by his deceitful publications and was greatly incensed at the reduction of Anahuac and demanded the ringleaders in the matter to be given up. The act had been disapproved by many and excitement run very high. Myself with a number of others in the lower jurisdiction had determined to sustain the act, and if possible get up a convention. A public meeting was called a committee appointed resolutions adopted and again by designing persons defeated and many efforts were made before we could get the people united on any thing definitively, and only by dint of indefatigable perseverance could we succeed.<sup>2</sup> We had already called one convention which proved abortive and the people seemed to dread the name. I therefore substituted what seemed to them a softer term which I have ever since regretted and that was Consultation in the room of Convention. Confusion jealousy and prejudices prevailed to a great extent and it was very difficult to get any thing done. We however continued our unceasing perseverance and raised a committee of fifteen persons entered up resolutions and drew up a patriotic and spirited address calling on our fellow citizens to send representatives to meet us in general consul-

<sup>1</sup>For an account of Travis' capture of Anahuac, see *THE QUARTERLY*, II, 22-26. and IV, 199-202.

<sup>2</sup>For an account of the efforts to call a convention, see *Publications of the Southern History Association*, V, 464-474.

tation at a point and time designated.<sup>1</sup> To not be disappointed we despatched at our own expense confidential agents to every jurisdiction in Texas, and our plan was concurred in by all of the jurisdictions. During this time Genl. Cos had entered Texas with his army and taken post at Bexar, and before the consultation met we had an army in the field and Bexar was besieged. The consultation met passed many decrees necessary to the sustentation of the army—closed the land offices, which had become corrupt, decreed that a Convention should be called with powers to form a constitution, and created a provisional Government to act in the interim in conformity with the organic law which was adopted. I was elected Governor of the provisional Government. There was also a Lieutenant Governor and a Legislative Council, and Genl. Sam Houston was at the same time elected commander in chief of the army. The reduction of Goliad and Bexar and the circumstances connected with it are known to you and need not be recited.

The provisional Government went on harmoniously until the Mexican troops were driven out of Texas.

The speculating faction found me as their evil genius still in their way, and things had now become sufficiently quiet for them to commence their operations in some way or other, and allways in the habit of controlling the authorities to suit their purposes, and having bribed the congress the year before, determined to controll the provisional Government to suit their own unprincipled and corrupt purposes. They had conspired against the commander in chief and determined to have the army headed by a man to suit their own purposes. There was nothing of patriotism in the way, it was all sordid self interest. They had collected themselves into a mob, that is, their minions, subs, and understrappers, and threatened to mob the Council, until by degrees the members vacated their seats until they had not a lawful quorum. this was what they wanted a bare quorum and no more. they had no wish to break up the Council entirely, for they wanted to use them. There was unfortunately but few practical men at that time in the body,

<sup>1</sup>The resolutions and address are printed in *Publications* of the Southern History Association, VII, 200-206.

and they from a natural predisposition were easily corrupted<sup>1</sup>. Whether they had received a bribe in money or vain promises I am not advised, but that they had become basely corrupt I have no doubt, for I had many and strong proofs of the fact. It is not necessary to say here what their objects were. I could allways anticipate and often defeated them, before they were matured. They had now concentrated their strong forces about the Council, the business [being] all done by the lobby members, exceptions taken by me amounted to nothing, the power was concentrated against me and my office was but nominal. They were attempting to swindle the Government out of two or three hundred thousand dollars by false commissions, with many other base and unreasonable acts. They were determined to have contrroll of the army and passed an ordina[n]ce confering unlimited power on one individual as a general army agent and commissioned another to the command. The general agent was to have also the contrroll of the Navy and in fact, of the whole Government. I well knew as an officer I would be screened from censure by taking honest exceptions to these measures, but I was as well assured that I would be over ruled, and the country situated as it then was, would be greatly injured. I therefore determined to strike at the root of all the evil at once, and either dissolve the Council, or paralyze them until the convention would meet. I was influenced to this, from the most pure and patriotic motives, as I had no interests to subserve other than what I deemed to be, the true interests of the country. Their conduct had been bad, and could not be justified or paliated, and I accordingly sent them one of the most severe and cutting communications<sup>2</sup> that was perhaps, ever addressed to a deliberative body. This communication was put under a sealed envelope and addressed to a secret session, with a polite note to their president informing him that the enveloped communication was intended for a secret session, and to call one for that purpose. I am proud however to say, that there were but three

<sup>1</sup>In connection with the following remarks about the General Council should be read W. Roy Smith, "The Quarrel between Governor Smith and the Provisional Government of the Republic," in *THE QUARTERLY*, V, 269-346; and Brown, *Life and Times of Henry Smith*.

<sup>2</sup>Dated January 9, 1836, and printed in *Journal of the Proceedings of the General Council*, etc., 290-293.

members that I at that time, suspected for down right corruption, but the others not being practical men, were easily led astray. At the same time I sent in this communication, I served all of the unsuspected ones with a private note couched in kind and deckerous [decorous] language informing them what I had done and that they were not included or aimed at in the communication. The faction was deceived, I had detained all their important ordina[n]ces in the Executive office and instead of sending them back with my objections as they had expected, I sent in this communication. They discovered that their deep laid plans and favorite projects were blasted and they became quite infuriated. All they could then do was to try and break me down, both with the people and the army. They tore open the seals of secrecy published the document to the world with a long written tissue of falsehood, made another Governor, Mexican like, and notified me that I was removed from office, and then preferred many heavy charges with a notice that if I did not appear and plead that all would be taken for confessed etc etc. They endeavored to make as much confusion as possible. It however had very little effect with [the] public. I published a short communication to the public marked D<sup>1</sup>. and am proud to say however great may have been my error, that both army and people were on my side. The troops stationed at the post of Bexar became infuriated at the conduct of the Council called a meeting and addressed a communication to the new Governor and Council couched in terms of bold and manly declamation informing them that they would not recognize their authority and concluded by resolutions condemnatory of their proceedings and that they would sustain me with their arms—copies of which were sent to the new Governor and Council and also enclosed to me copies addressed to each of the editors of newspapers which were then published in Texas.<sup>2</sup> I however suppressed the publication, and as they had begged permission to come to San Felipe to give me protection as they had understood they were endeavoring to organize a mob against me, I was compelled to send an agent forthwith, to quiet them and prevent their march to the

<sup>1</sup>Dated January 22, 1836, and printed in Brown, *Life and Times of Henry Smith*, 257-264.

<sup>2</sup>See Appendix I, pp. 55-58.

Capitol. Notwithstanding they were using every means in their power to raise a mob against me, the people in the various sections of the country had notified me, that they were ever ready to obey any call that I might think proper to make on them, and as such I feared the consequences which might result to the country from the uncontrolled conduct of an infuriated soldiery. The faction had done and continued to do every thing in their power against me, even to personal insult and abuse, and I at the same time using every means within my power to restrain the people and soldiery from inflicting upon them, that punishment which their crimes justly merited. I was well aware of the situation of the country—that we were in a state of rude nature a number of vague loose individuals, tied together by no compact, and that necessity required the sacrifice of all personal ambition, to the promotion of the public good. The situation of the country then was truly critical. Want of union on the part of the general mass was taken advantage of by the unprincipled speculators who were linked together for evil purposes. Whilst men are linked together they easily and speedily communicate the alarm of any evil design. They are enabled to fathom it with common counsel, and to oppose it with united strength. Whereas, when they lie dispersed, without concert, or discipline, communication is uncertain, counsel difficult, and resistance impracticable. Where men are not acquainted with each others principles, nor experienced in each others talents, nor at all practiced in their mutual habitudes and dispositions, by joint efforts in business, no personal confidence, no friendship, no common interest subsisting among them, it is evidently impossible that they can act a public part with uniformity, perseverance, or efficacy. In a connexion, the most inconsiderable man, by adding to the weight of the whole, has his value and his use; out of it, the greatest talents are wholly unserviceable to the public. No man, who is not inflamed by vain glory into enthusiasm, can flatter himself that his single, unsupported, desultory, unsystematic endeavors are of power to defeat the subtle designs and united cabals of ambitious and unprincipled factionists. When bad men combine, the good must associate; else they will fall, one by one, an unpitied sacrifice in a contemptible struggle.

It is not enough, in a situation of trust in the commonwealth,

that a man means well to his country—it is not enough that in his single person he never did an evil act, but always acted according to his conscience, and even harangued against every design which he apprehended to be prejudicial to the interests of his country. This innoxious and ineffectual character, that seems formed upon a plan of apology and disculpation, falls miserably short of the mark of public duty. That duty demands and requires, that what is right should not only be made known, but made prevalent, that what is evil should not only be detected, but defeated. When the public man omits to put himself in a situation of doing his duty with effect, it is an omission that frustrates the purposes of his trust, almost as much as if he had formally betrayed it. It is surely no very rational account of a man's life, that he has always acted right, but has taken special care to act in such a manner, that his endeavours could not possibly be productive of any consequence. Where duty renders a critical situation a necessary one, it is our business, if possible, to keep free from the evils attendant upon it; and not to fly from the situation itself. I did not, nor could I, be driven from the situation assigned to me, but kept my post and redoubled my diligence and kept the faction at bay until the convention met, when I formally entered my protest marked E<sup>1</sup>.

I will remark here that the Mexican Governor which the speculators had been so anxious to get on to Texas, and who had been thrown into a foreign calaboose, had by some means or other escaped and shortly after my inauguration made his appearance at San Felipe, with his secretary, confessor, and escorted by a Colonel and full company of cavalry well equipped. The speculating faction hailed him as Governor, and they used every means to put him in possession of the Executive chair. He was notified however, that notwithstanding he had been the Constitutional Governor of the State of Coahuila and Texas, that he had been unable to sustain himself in the Gubernatorial chair and that he could not now be recognized as the Govr. of Texas. The party found they could not succeed and his Excellency retired. Much might be said on this subject, but it would only serve to disgust and sicken the mind, at the base and unprincipled conduct of the

<sup>1</sup>See Appendix II, pp. 58-73.

parties concerned. From the time that the consultation adjourned, in the month of November, until the convention met on the first of March was certainly the most difficult and critical time that Texas has ever experienced. Many plans were concocted and aimed at, which if carried into effect, would have proved, not only injurious but ruinous in their effects to the prospects of the country. I was well aware of all this, and did not pursue, so far as I was individually concerned, what would be termed a politic, but a patriotic course, and this the peculiar and critical situation of the country at that time required. All of the misfortunes which have befallen us—the massacres of Bexar and Goliad, can be fairly traced back as having originated from that corrupt source, and still most of those base scoundrels live and continue to exercise their baleful influence in the public affairs of the Nation. The troops at the post of Bexar, particularly, were restive and clamorous, and anxious to have an opportunity to make a public example of the ring leaders of that unprincipled faction, and only awaited my assent to do so. I used every possible remonstrance and succeeded in keeping them quiet and preventing their march to the Capitol, and this my dear sir I have long since regretted, and consider it as the greatest error of my past life.<sup>1</sup>

## APPENDIX

## I

BEXAR RESOLUTIONS<sup>2</sup>

At a large and respectable meeting of the citizens and soldiers of this place, held this 26th day of January 1836, to take into consideration the recent movements at San Felipe, J. C. Neill<sup>3</sup> was called to the chair, and H. J. Williamson appointed secretary. The object of the meeting having been stated by the chair, on motion of Col. J. B. Bonham, a committee of seven was appointed to draft

<sup>1</sup>The document ends here without signature.

<sup>2</sup>This document bears the original signatures of the chairman and secretary of the meeting, but is written by some unknown hand. It is found among the Lamar Papers.

<sup>3</sup>Commandant of the post of Bexar.

a preamble and resolutions for the consideration of the meeting; whereupon the following were appointed by the chair.

Chairman of Committee J. B. Bonham.

Jas. Bowie.

G. B. Jameson.

Doctor Pollard.

Jesse Badgett.

J. W. Seguin.

Don Gaspar Flores.

Preamble.

Whereas, we have been informed from an undoubted messenger that the Executive Council and its President, a subordinate and auxiliary department of the government, have usurped the right of impeaching the governor, who, (if we would imitate the wise institutions of the land of Washington) can only be impeached by a body set forth in the constitution, which constitution must have been established by the people through their representatives assembled in general convention. Moreover, the said council and its president, whose powers are defined to aid the governor in fulfilling the measures and objects adopted by the general consultation, have taken it upon themselves to annul the measures of the said general consultation. They are about to open the land offices, which were temporarily closed until a general convention of the people should take place, thereby opening a door to private speculation, at the expense of the men who are serving their country in the field. Moreover the said council have improperly used, and appropriated to their own purposes a FIVE HUNDRED DOLLAR LOAN, from a generous and patriotic citizen of the United States intended to pay the soldiers in the garrison of Bexar. Moreover, that private and designing men are, and have been embarrassing the governor, the legitimate officer of the government, by usurping, contrary to all notions of order and good government, the right of publicly and formally instructing and advising the governor and the people on political, civil and institutional matters subject. Moreover, that a particular individual has gone so far as to issue a proclamation on the state of public affairs, and to invite volunteers to join him as the commander of the Matamoras expedition, when that particular individual must have known that

General Houston the commander in chief of all the land forces in the service of Texas, has been ordered by the government to take command of that expedition. This particular individual is also fully aware, that all officers under the commander in chief are elected by the volunteers themselves, and that therefore there was neither room nor necessity for another appointment by the council. Still, in the possession of these facts, he has issued his proclamation, and continues to aid all those who are embarrassing the executive.

Therefore, be it Resolved 1st That we will support his Excellency Governor Smith in his unyielding and patriotic efforts to fulfill the duties, and to preserve the dignity of his office, while promoting the best interests of the country and people, against all usurpations and the designs of selfish and interested individuals.

Resolved 2nd That all attempts of the president and members of the executive council, to annul the acts of, or to embarrass the officers appointed by the general convention, are deemed by this meeting, as anarchical assumptions of power to which we will not submit.

Resolved 3rd That we invite a similar expression of sentiment from the army under Genl Houston, and throughout the country generally.

Resolved 4th That the conduct of the president and members of the Executive Council in relation to the FIVE HUNDRED DOLLAR LOAN, for the liquidation of the claims of the soldiers of Bexar, is in the highest degree criminal and unjust. Yet under treatment however illiberal and ungrateful, we cannot be driven from the Post of Honor and the sacred cause of freedom.

Resolved 5th That we do not recognize the illegal appointments of agents and officers, made by the president and members of the Executive Council in relation to the Matamoros Expedition; since their power does not extend further than to take measures and to make appointments for the public service with the sanction of the governor.

Resolved 6th That the Governor Henry Smith will please to accept the gratitude of the army at this Station, for his firmness in the execution of his trust, as well as for his patriotic exertions in our behalf.

Resolved 7th That the Editors of the Brazoria Gazette, the Nacogdoches Telegraph, and the San Felipe Telegraph be requested, and they are hereby requested to publish the proceeding of this meeting.

Bexar, January 26th 1836

Signed J. C. Neill Prs

[Superscription:]

H J Williamson Secty.

Ed. of Brazoria Gazette (or  
Texas Republican)

Brazoria

Texas

## II

### PROTEST<sup>1</sup>

of the Governor of Texas against the recent unconstitutional, or  
illegal proceedings of the General Council—

To the honorable the President and members, Representatives of  
the free and sovereign people of Texas in General Convention as-  
sembled.

Gentlemen.

It appears by the published proceedings of the General Council  
of the provisional Govt. of Texas under date of the 11th of January  
1836, that a certain article of private correspondence, addressed to  
a secret session of that body, from the Executive Department, on  
which the following preamble and resolutions has been predicated,  
[has been published] and become of record in the public Journals  
of that body,<sup>2</sup> which renders the present appeal necessary from the  
Executive Department, over which I have had the honor to pre-  
side: Which preamble and resolution reads as follows<sup>3</sup>

Your special committee to whom was referred the communica-  
tion of Governor Smith report. That they are unable to express

<sup>1</sup>This document is in Governor Smith's handwriting and bears his  
signature at the end. It is undated. In all probability it is the copy  
cited above as marked E; it bears this endorsement: "Documents pre-  
sented by Gov. Smith."

<sup>2</sup>Printed in *Journal of the Proceedings of the General Council*, etc.,  
290-293.

<sup>3</sup>*Ibid.*, 294-295.

any other views to this House, than indignation at language so repulsive to every moral feeling of an honorable man, and astonishment that this community could have been so miserably deceived in selecting for the high office of Governor a man whose language and conduct prove his early habits of association to have been vulgar and depraved, and his present disposition that of a disorganizer and tyrant; that they repel the infamous charges preferred against this Council, and its members, as false and untrue in every part, and condemn the style and language as low blackguardly, and vindictive, and in every way unworthy of, and disgraceful to the officer whence it emanated, and as an outrageous libel on the body to whom it is addressed; and therefore advise the return of the paper with the following resolutions:

1 Resolved, that the members of the Genl Council are the immediate representatives of the sovereign people, and are charged with the safety of the country and amenable only to the people for the faithful discharge of their duties.

2 Resolved, That each member individually, and as a body collectively, will sustain at all hazards, the dignity of this Govt. and the rights of the good citizens of Texas whom they have the honor to represent.

3. Resolved that Henry Smith Governor of the Provisional Government of Texas, be ordered forthwith to cease the functions of his office, and be held to answer to the Genl. Council upon certain charges and specifications, prepared against him, agreeably to the provisions of the 4 section of the Federal Constitution of Mexico of 1824, and the 11 article of the organic law of the Provisional Govt of Texas as adopted in Convention on the 13 Novr. A D 1835, and that a copy of the said charges and specifications be furnished to the Govr. Henry Smith within twenty four hours from this time.

4 Resolved that the secretary of the Executive be forthwith notified of these resolutions, and that he be held responsible to the Genl Council of the Provisional Government of Texas, for every and all records, documents and archives of his office.

5 Resolved. That the Treasurer, Commanding Genl. foreign agents, and all other officers of this Govt., be notified of the suspension of Henry Smith, of the powers and functions of Governor, by the representatives of the people of Texas in Genl. Council assembled; and that they and every of them, hold themselves respectively subject to the orders and directions of the Lieutenant Govr. and to the Genl. Council aforesaid.

6 Resolved. That a committee be appointed to draft an address to the people of Texas, setting forth the circumstances and reasons which compell their representatives in Genl. Council.

Signed R. R. Royal Chairman and unanimously adopted by the Council, and the address<sup>1</sup> signed by John McMullin as president pro tem of the Council and ten others as members, two of whom were from the same jurisdiction contrary to the organic law, and one who had received a commission by which he was rendered ineligible as a member of the Council by the ordinance in such cases made and provided, leaving but eight members eligible to the council, when at the same time it required thirteen to form a quorum to do business.

Having had the honor, through the voluntary suffrages of the Texian people, by their representatives in Convention assembled, to fill the office of Governor of Texas, during the provisional organization; it is clearly evident, as my name is incorporated in the above resolutions, that the censure they inflict, was intended and directly aimed at myself. Without notice, unheard and untried, I thus find myself charged on the records of the Genl Council, and in a form hitherto unknown in the History of Republican Governments with the high crime of violating the laws and constitution of the country.

It can seldom be necessary for any Department of the Govt. when assailed in conversation, or debate, or by the strictures of the press, or of popular assemblies, to step out of its ordinary path, for the purpose of vindicating its conduct, or of pointing out any irregularity or injustice in the manner of the attack. But when the Chief Magistrate is, by one of the co-ordinate branches of the Government, in its official capacity, in a public manner and by its recorded sentence, but without precedent, competent authority, or just cause, declared guilty of a breach of the laws and constitution, it is due to his station, to public opinion, and to a proper self respect, that the officer thus denounced should promptly expose the wrong which has been done.

In the present case moreover, there is even a stronger necessity for a fair and proper vindication. Even admitting the right of the Council to impeach, try, and depose the Governor. Their act in the present case would have been illegal and arbitrary for want of a constitutional quorum. But it is evident and clear that no such right exists, or is guaranteed, by the organic law. The oath

<sup>1</sup>*Journal of the Proceedings of the General Council, etc., 297-302.*

prescribed, requiring the Governor, as a special duty, so far as in him lies, to protect and keep inviolate the constitution, or organic law, which would indeed, have resulted from the very nature of his office, but by expressing it in the official oath, or affirmation, shews the importance which the framers of that instrument attached to it by giving it a peculiar solemnity and force. Bound to the performance of this duty by the oath I have taken, by the strongest obligations of gratitude to the Texian people, and by the ties which unite my every earthly interest, with the welfare and prosperity of my country; and perfectly convinced that the publication of the correspondence, and passage of the resolutions were not only a breach of faith, but unwarranted and entirely unauthorized by the organic law, and in many respects repugnant to its provisions, and subversive of the rights secured by it to other co-ordinate Departments. I deem it an imperative duty to maintain the supremacy of that sacred instrument, and the immunities of the Department intrusted to my care, by all means consistent with my own lawful powers, with the rights of others, and with the genius of Republican institutions. To this end I have caused this my *solemn Protest* against the aforesaid proceedings to be recorded in the Executive office, and now tender it to the Honorable the President and representatives of the people of Texas in General Convention assembled, with a request that by an act of their body they order it to be enrolled and entered on the Journals of the General Council of Texas.

It is alike due to the subject, to the Convention, to the Council, and to the people of Texas generally, that the views which I have taken of the proceedings referred to, and which compell me to regard them in the light in which I do, should be exhibited at length, and with the freedom and firmness which are required by an occurrence so peculiar so dangerous and unprecedented.

Under the law creating a provisional Government for Texas, the powers and functions of the several Departments of the Govt. and their responsibilities for violation or neglect of duty are clearly defined or result by necessary inference.

The Legislative power, subject to the qualified negative of the Governor, is vested in the General Council composed of one member from each Jurisdiction of Texas requiring two thirds of the

whole number elect to form a quorum competent to pass any ordinance or resolution. The Executive power is vested exclusively in the Governor, except that in the conclusion of treaties and in appointments to office he is to act with the advice and consent of the Council, and holding also the commissioning power exclusively, I deem he has the right to except to appointments made by the Genl Council holding in all cases a qualified negative on their acts. He is also made commander in chief of the army and Navy. The judicial branch of the Govt. under the present provisional organization is but nominal. The Commander in Chief of the army having originated from the same source, with some qualifications, forms a coordinate branch also of the provisional Govt. And as it respects the impeachment of the Govr. under the existing organization, I consider the General Council as possessing the accusatory power by preferring specifications and charges, and the representatives of the people in Convention assembled, the legitimate triers. But although for the special purposes which have been mentioned, there is an occasional intermixture of the powers of the different Departments, yet with these exceptions, each of the three Departments is independent of the others in its sphere of action; and when it deviates from that sphere, is not responsible to the others, further than it is expressly made so by the Constitution, or organic law. In every other respect each of them is the coequal of the other two, and all are the servants of the Texian people, without power or right to control or censure each other in the service of their common superior, save only in the manner and to the degree which that superior has prescribed.

The responsibilities of the Governor are numerous and weighty. He is liable to impeachment for high crimes and misdemeanors, and on due conviction subject to removal from office, and perpetual disqualification; for as the law now stands his punishment is not clearly defined, and must be drawn from inference or subject alone to the decision of his triers. And notwithstanding such conviction, he may be indicted and punished according to law. He is also liable to the private action of any party who may have been injured by his illegal mandates or instructions, in the same manner and to the same extent as the humblest functionary. In addition to the responsibilities which may thus be enforced by im-

peachment, criminal prosecution, or suit at law, he is also accountable at the bar of public opinion, for every act of his administration. Subject only to the restraints of Truth and Justice; the free people of Texas have the undoubted right, as individuals, or collectively, orally, or in writing, at such times and in such language and form, as they may think proper, to discuss his official conduct, and to express and promulgate their opinions concerning it. These are considered and believed to be the proper and only modes, in which the Governor of the Provisional Govt. of Texas, is to be held accountable for his official conduct.

Tested by these principles, the resolutions of the Council are wholly unauthorised by the organic law, and in derogation of its entire spirit. They assume that the Council as a Department of the Government may for the purposes of a public censure, create excitement and breed disorganization and confusion for the purposes of promoting vile injurious and vindictive party strife, and promoting the injurious and unlawful views of individuals, to the manifest injury of the public good. And by passing such public censure, and by such unlawful injurious and disorganizing proceeding, vainly attempting to cover their own faithless and fraudulent acts as will abundantly appear in certain specifications and charges preferred against various members of that body, but by far too prolix to be incorporated in this instrument. And as it will evidently appear on a reference to the organic law that the Governor is subject to no such responsibility; and in no part of that instrument is any such power conferred on the Genl. Council.

The justice of these conclusions will be illustrated and confirmed by a brief analysis of the powers of the Council, and a comparison of their recent proceedings with those powers.

The functions assigned by the organic law to the Council are in their nature either Legislative or Judicial. It is only in the exercise of their judicial powers when sitting as a court for the trial of impeachments, that the Council is expressly authorized and necessarily required to consider, and decide, upon the conduct of their own President, one of their own members, or other public officer. And then by their proper Legislative action recommend to the Governor by their condemnatory sentence a dismissal of the individual from office. Whose duty it is in the regular discharge

of his Executive functions to carry into effect, as will clearly appear in the 11th article of the organic law. But to do this they must have a constitutional quorum of their body present. To dismiss their President, one of their own body or other public functionary, their constitutional right to do so, is cheerfully conceded. But to declare the Executive office vacant, without the casualties having happened, contemplated by law, deposing or attempting to depose the legitimate Governor as expressed in said Resolutions, is on the part of the Council clearly an outrage unauthorised by the organic law, which they were solemnly sworn to support.

The whole phraseology and sense of the preamble and resolutions seem to be judicial. Their only essence, true character, and only practical effect, are to be found in the conduct which they charge upon the Governor, and the judgment which they pronounce on that conduct. But nowhere do they set forth the reasons which induced the Message from the Executive Department addressed to a secret session, that called forth from the Council those resolutions. The message referred to I am willing to admit, was couched in language uncourteous and severe, repulsive in its character, and keen and pointed in its remarks, but was not more so than I deemed the occasion required, as will be clearly manifested by a reference to the specifications and charges before alluded to. And in as much as the members of the Council was acting as public functionaries, I was bound to presume would by their oaths, be compelled, to act in good faith, I had no right to expect that document would ever meet the public eye. It will be found on examination of the organic law, that the Council were limited, both in their powers and duties. In the 3rd article of that law their powers and duties are clearly defined, which reads as follows. "The duties of the Genl. Council shall be to devise ways and means, to advise and assist the Governor in the discharge of his functions." Acting in their Legislative capacity as the dividers of ways and means, the Governor does, clearly, by law, hold a qualified negative over all their legislative action, and none of their acts can become laws, or valid, without his concurrence or approval. It is evident and clear, that no legislative action on the part of the Council could remove the Governor from office, or lawfully interfere or conflict with him in the discharge of his Executive functions. The Coun-

cil, by inference or construction of law, under Republican principles, I am willing to admit, should possess the accusatory power, and as such, I have acknowledged the receipt of the specifications and charges which they have preferred against me; but the people of Texas, by their representatives in General Convention assembled, and from whom I emanated, I recognize as my peers, and legitimate triers; and to whatever decision they may think proper to make, I bow in humble submission. "To advise and assist the Governor in the discharge of his functions." In what way advise and assist the Governor in the discharge of his functions? Clearly by their legislative action, by placing the means at his disposition to aid and assist him in the constitutional discharge of his Executive functions, as the exigencies of the country might require. It will be discovered on a perusal of the 3rd article of the organic law, as alluded to, that the Governor and Council, as co-ordinate branches of the provisional Govt. cooperate together for the protection of the public good. The Governor possessing the right of veto, on all of their legislative action. But in no part of that article, which prescribes the duties of the Council, will it appear that the Governor was bound to advise with them, without he thought proper. It will no where be found in the organic law, that they were otherwise, than by legislative action, made his controllers—that they were not made by law his Constitutional advisers, without whose consent, he could not act; but each department bound to discharge their own duties, with the qualification before alluded to, each independent of the other, as before stated. Each could recommend to the other, the passage or adoption of measures; but possessed no compulsory powers except such as are defined in the organic law. The duties of the Council, as will appear on an examination of the said article, defining them, shews that they were limited and confined to certain objects, that the bounds were set, over which they were not permitted to pass—that their continued presence in the Council Hall is no where rendered necessary—that after performing all the essential duties designated in the law which created them, an adjournment of that body, by the supreme Executive authority, who by that notice of adjournment, acknowledges that for the present, he needs neither, their legislative action, or assistance as counselors, renders such

adjournment neither injurious to the individuals or to the public. In as much as they were at the same time notified that if the emergencies of the country required it, that they would be immediately convened by proclamation. The right in the Governor to adjourn that body, without their co-operation or consent is nowhere expressly given in the organic law, nor is it anywhere forbidden. On an investigation of the article above alluded to, it will clearly appear that the Genl Council could do nothing without the sanction of the Executive Department. And on examination of the ordinances passed by them, it will be seen that everything contemplated by the organic law has been acted on by that body, long before their adjournment, and many also of a disorganizing and injurious tendency, for which they had no warrant. And being well satisfied that their presence in the Council Hall would be productive of no good to the public, but daily increasing the public debt; and being well satisfied that base intrigue and corruption had become the ruling passion of that body, induced me to pursue the course of which the Council so much complains, and for which they passed, and acted on the resolutions alluded to. As a public officer I was well aware, that I could screen myself from public censure, by taking honest exceptions to all of their acts, having an evil and injurious tendency. I was also well satisfied, that by intrigue and management, that the Genl. Council had concentrated so much power over the Executive Department, that the Governor would be rendered as powerless as he would be useless—the shadow of authority after the substance had departed.

It will be seen on examination of the 4th article of the organic law, defining the powers of the Governor etc which reads as follows

“The Governor for the time being, and during the existance of the Provisional Government, shall be clothed with full and ample Executive powers; and shall be commander in chief of the army and Navy, and of all the military forces for Texas, by sea and land.”

The law certainly would not be thus full and positive, if it were intended, that he should be trammelled in the discharge of those functions by the dictates of an unstable and fluctuating Council. Pursuing that article throughout in its proper spirit, it will clearly

appear, that the Council could have no controll over the Governor in the discharge of his Executive functions, or as commander in chief of the army and Navy, any further than their Legislative action was necessary to place the proper means at his disposition. After enumerating all the powers delegated to the Governor, the article concludes as follows. "And that the Governor be clothed with all these, and all other powers, which may be thought necessary by the Genl Council, calculated to aid and protect the country from her enemies." So that it evidently appears, that all the powers delegated by the organic law to the Governor was clearly under his own immediate controll, but if circumstances should render it necessary to use extraordinary powers, he was not permitted, without proper concurrence of the Council To shew the inconsistency and illegality of the action of the Council as set forth in their resolutions, even admitting them to be the competent tribunal, before whom the Governor could be tried on impeachment: Their conduct if not highly criminal, will clearly shew illiberality and want of principle. As the first intimation to the accused is their resolutions containing his condemnatory sentence. Thus converting themselves into accusers, witnesses, counsel, and judges, and prejudice the whole case. Thus presenting the appalling spectacle, in a free Government, of judges going through a labored preparation for an impartial hearing and decision by a previous exparte investigation, and sentence against the supposed offender. It is the policy of our benign system of jurisprudence to secure in all criminal proceedings, and even in the most trivial litigations, a fair, unprejudiced, and impartial trial. And surely it cannot be less important that such a trial should be secured to the highest officer of the Government. And it is not too much to say of the whole of these proceedings, that if they shall be approved and sustained by an intelligent people, then will that great contest with arbitrary power, which had established in statutes, in bills of rights, in sacred charters and in constitutions of Government, the right of every citizen to notice before trial, to a hearing before conviction, and to an impartial tribunal for deciding on the charge, have been waged in vain. But the evil tendency of the particular doctrine adverted to, though sufficiently serious, would be as nothing in comparison with the pernicious consequences which

would inevitably flow from the approbation and allowance by the People, and the practice of the Council of the unconstitutional power of arraigning, censuring, and attempting to depose the Executive, even by force, in the manner recently resorted to by the Council. Such proceedings are eminently calculated to unsettle the foundations of the Government; to disturb the harmonious action of its different Departments; and to break down the checks and balances by which the wisdom of its framers sought to ensure its stability and usefulness.

The honest differences of opinion which occasionally exist, between the Governor and Council, in regard to matters in which both are obliged to participate are sufficiently embarrassing. But if the course recently adopted by the Council shall hereafter be pursued, it is not only obvious, that the harmony of the relations between the Governor and Council will be destroyed, but that other graver effects will ultimately ensue. If the censures and conduct of the Council be submitted to by the Governor, the confidence of the people in his ability and virtue will be impaired, and the character and usefulness of his administration will soon be at an end, and the real power of the Government will fall into the hands of a body ever changeable and fluctuating and who from that circumstance feel but little responsibility, not elected directly by the people, and not to them directly accountable. If on the other hand, the illegal censures and conduct of the Council should be resisted by the Governor, collisions and angry controversies would inevitably ensue, discreditable in their progress, and in the end compelling the people to adopt the conclusion, either that their Chief Magistrate was unworthy of their respect or that the Council was chargeable with calumny and injustice. Either of these results would impair public confidence in the system of Government, and lead to serious alterations of its frame work, or to the practical abandonment of some of its provisions. The resolutions of the Council removing the Governor from office, and their subsequent notice, accompanied with their specifications and charges, that if he did not appear in three days and plead to the charges before that body, that the trial would go on *ex parte* before the Council. First clearly shewing by the passage of their resolutions, that their condemnatory sentence had allready been passed against him, by

that body, who usurped the authority to become his constitutional triers. It is clearly evident however, that they possessed no such authority, and it is only necessary to look at the condition in which the Council and Governor have been placed, by this proceeding to perceive its utter incompatibility with the provisions and the spirit of the organic law, and the plainest dictates of common sense, humanity and justice.

The resolutions at all events shews clearly by their passage by a unanimous vote of the Council, that the Governor is considered by that body guilty of an impeachable offence. As such it is spread upon the Journals of the Council—published to the nation, and to the World—made part of our enduring archives—and incorporated in the History of the age. The punishment of removal from office and future disqualification does not it is true follow this decision, because they were not the constitutional triers. But the moral influence of a solemn declaration by the unanimous vote of that body, that the accused is guilty of the offence charged upon him, has been as effectually secured as if the like declaration had been made upon an impeachment, expressed in the same terms. Whether the resolutions expressly alledge that the assumption of power and authority, which they condemn, was intentional and corrupt, is no answer to the preceding view of their character and effect. The act thus condemned, necessarily implies volition and design in the individual to whom it is imputed, and being unlawful in its character, the legal conclusion is, that it was prompted by improper motives, and committed with an unlawful intent. The charge is not of a mistake in the exercise of supposed powers, but of the assumption of power not conferred by the constitution and laws, but in derogation of both, and nothing is suggested to excuse or palliate the turpitude of the act. In the absence of any such excuse or palliation, there is only room for one inference, and that is, that the intent was unlawful and corrupt. Besides the resolutions not only contains no mitigating suggestion, but on the contrary, it holds up the act complained of as justly obnoxious to censure and reprobation: and thus as distinctly stamps it with impurity of motive as if the strongest epithets had been used. The judgement of *Guilty*, by one of the co-ordinate branches of the Government; the stigma it would inflict on the offender, his family

and fame, and the perpetual record on the Journals, handing down to future generations the story of his disgrace, were doubtless regarded by the framers of all republican constitutions, as the bitterest portions, if not the very essence of that punishment. So far therefore, as some of their most material parts are concerned, the passage, recording, and promulgation of the resolutions, are an attempt to bring them on the Governor unauthorised by the organic law, and all Republican principles. The influence of such proceedings on the other Departments of the Government, and more especially on the part of the military, could not fail to be extensively pernicious by producing disorganization and conflict. When the Council, who in this case set themselves up as judges in the last resort, for official misconduct, so wantonly and arbitrarily overleap the bounds of their authority, as prescribed by the organic law; what general disregard of its provisions might not their example be expected to produce? And who does not perceive that such an outrage and contempt for the Executive Department, by one of the coordinate branches, would hold out the strongest temptation to resistance on the part of the other dignitaries, whenever they shall suppose their rights were invaded? Thus all the independent Departments of the Government, and even the different Jurisdictions, instead of attending to their appropriate duties, and leaving those who may offend to be reclaimed or punished in the manner pointed out by law, would fall to mutual crimination and recrimination, and give to the people confusion and anarchy, instead of order and law; until at length some form of aristocratic power would be established on the ruins of the constitution, or the Government broken into separate communities. Far be it from me that any act of mine should in the most distant way, in the slightest degree tend to encourage any such result. It is not only the motives and designs, but the evil tendency of their acts of which it is my duty to speak. It is, if possible, to make counselors themselves sensible of the danger which lurks under the precedent set in their resolutions; and at any rate to perform my duty, as the responsible head of one of the coequal Departments of the Government, that I have been compelled to point out the consequences to which the discussion, passage and promulgation of the resolutions may lead, if the tendency of the measure be not checked in its inception.

It is due to the high trust with which I have been charged; to the Representatives of the people, whose constitutional prerogative has been unlawfully assumed; to the people, and to the constitution which they have established; that I should not permit its provisions to be broken down by such an attack on the Executive Department, without at least some effort to preserve, protect, and defend them. With this view and for the reasons which have been stated I do hereby SOLEMNLY PROTEST against the aforementioned proceedings of the Council, as unauthorised by the organic law; contrary to its spirit and special provisions; subversive of that distribution of the powers of Government which it has ordained and established; destructive of the checks and safeguards by which those powers were intended, on the one hand, to be controlled, and on the other to be protected; and calculated by their immediate and collateral effects, by their character and tendency, to concentrate in the hands of a body, not directly amenable to the people a degree of influence and power, dangerous to their liberties, and fatal to the constitution of their choice.

The resolutions of the council contains an imputation upon my private, as well as upon my public character; and as it must stand forever on their Journals, I cannot close this substitute for that defence which I have not been yet allowed to present in the ordinary form without remarking that I have lived in vain, if it be necessary for me now to enter into a formal vindication of my character and purposes from such an imputation. In vain do I bear upon my person enduring memorials of the contest for constitutional privileges, in opposition to military Despotism at the memorable siege of Velasco in [18]32—in vain have I since sacrificed personal ease to public duty—in vain am I now contending with violent and vindictive party strife, and unholy interests, without a personal aspiration, or the hope of individual advantage, encountering responsibilities and dangers from which, by mere inactivity in relation to a single point I might have been exempt—if any serious doubts can be entertained as to the purity of my purposes or motives .

If I had been ambitious, I should have sought an alliance with that powerful speculating aristocracy, which now aspires to no divided empire. If I had been venal, I should have sold myself

to their designs. had I preferred personal comfort, and official ease, to the performance of my arduous duties, I should have ceased to molest them. In the History of conquerors, and usurpers, never in the fire of Youth, nor in the vigor of manhood, could I find an attraction to lure me from the path of duty; and now I shall scarcely find an inducement, to commence their career of ambition, when with grey hairs I am traveling the down hill of life, deprived of all conjugal participation and enjoyment instead of inviting to toil and battle, call me to the contemplation of other worlds, where conquerors cease to be honored, and usurpers expiate their crimes. The only ambition I can feel is to acquit myself to Him, to whom I must soon render an account of my stewardship—to serve my fellowmen,—and live respected and honored, in the History of my country.

No; the ambition which leads me on, is an anxious desire, and a fixed determination, to promote the honest interests of the country, and to return to the people, unimpaired, the sacred trust they have confided to my charge—to heal the wounds which have been inflicted on the organic law, and Republican principles, and preserve them from further violation; to persuade my countrymen so far as I may, that it is not in a splendid Government, supported by powerful monopolies and aristocratical establishments, that they will find happiness, or their liberties protection; but in a plain system, void of pomp—protecting all, and granting favors to none—“dispensing its blessings like the dews of Heaven, unseen and unfelt, save in the freshness and beauty they contribute to produce.” It is such a Government that the genius of our people requires—such an one only under which Texas may remain for ages to come, united, prosperous, and free. If the Almighty Being who has hitherto sustained and protected me will but vouchsafe to make my feeble powers instrumental to such a result, I shall anticipate with pleasure, as the first Governor of Texas, the place to be assigned me in the History of my adopted country, and die contented with the belief, that I have contributed, in some small degree, to promote and sustain Texian Liberty.

To the end that the resolutions, and proceedings of the Council, may not be hereafter drawn into precedent, with the authority of silent acquiescence on the part of the Executive Department; and

to the end also, that my motives and views in the Executive proceedings and conduct of the Council, connected with the subject alluded to, may be known to my fellow citizens, to the world, and to all posterity, I respectfully request that this Message and *Protest* may by an order of this Convention be entered at length on the Journals of the Council.

HENRY SMITH.

## BOOK REVIEWS AND NOTICES

*Reconstruction in Texas.* By Charles William Ramsdell. Pp. 324. New York: Columbia University. Longmans, Green & Co., Agents. 1910.

Mr. Ramsdell's work on Reconstruction in Texas is number 95 of the well known series—"Studies in History, Economics and Public Law"—made by students of the Columbia University School of Political Science. For years the Department of History at Columbia has been working, through its graduate students, in the Reconstruction field and as a result several monographs on Reconstruction have been published. This one on Texas is among the best.

It is somewhat difficult to do anything really original or unexpected in the writing of the history of Reconstruction. The issues and problems though immensely important were few and distinct. Every actor moved in the lime-light of publicity. Consequently, while the main outlines of Reconstruction have long been familiar, the task of the investigator in this period is to make an accurate statement of the facts, an account of local conditions, an estimate of personalities. In doing so each researcher must to a certain extent cover the same ground. So Mr. Ramsdell takes up first a brief discussion of the events leading to secession and of the conditions that existed in Texas during the Civil War. Then follows an account of the two attempts at Reconstruction—by the President and by Congress—which cover the period from 1865 to 1870. A short final chapter of twenty-five pages describes the Radical administration from 1870 to 1874 when the Reconstruction experiment ended in Texas. Within the period covered, 1865 to 1874, the author deals minutely with political questions—the development of the Conservative, Radical and Extreme Radical parties, with problems of public order, race and labor, and the administration of justice, with the relations between Texas and the Washington government, and between the military and the civil authorities within the state.

The work is well done. The author's style is clear, his statements temperate in tone. He has examined all accessible author-

ities in print and in manuscript, and he has his information well assimilated, his narrative well organized. The estimates of the leading men of the time are especially good. Those whose chief interest lies in this field of history would be glad to find more than is given about the non-political side of Texas history—a study of social, industrial, religious and educational conditions following the war. These are just as important as politics and constitutions. Some maps in black and white, to illustrate political, social and economic matters, would be useful. And more space might be given to a description of the actual administration of the Texas government by officials representing only a small minority of the population.

Distinguishing the reconstruction of Texas from the reconstruction of any other Southern State, Mr. Ramsdell brings into his narrative accounts of certain conditions peculiar to Texas. Thus, among other things, he calls attention to the fact that Texas was before and during Reconstruction a frontier state, half-covered with hostile Indians, practically without railroads, with a population of whites scarcely welded into a homogeneous society. Further, the author makes it clear that the Civil War bore less heavily upon Texas than upon the other Southern communities and that at the close of hostilities the state was still in fair condition, economical and social. But this seems only to have intensified the disorder which came in 1865 with the break up of the Confederacy. The Washington authorities consistently refused to recognize the *de facto* government of Texas just as they refused to recognize the rest of the Southern State governments. But since the Federals never occupied Texas in force they made little effort to suppress the disorder that followed the destruction of the state and local governments. Consequently, the period of lawlessness and disorder was longer continued in Texas than in any other Southern State and the course of Reconstruction was thereby seriously influenced. In Texas, too, the work of the Freedman's Bureau was relatively unimportant; elsewhere this institution was one of the most efficient instruments of the Reconstructionists. Reconstruction conditions in Texas were otherwise exceptional in that the race problem was not so serious and the carpet baggers were few in numbers and of slight influence, though the native radicals, or

scalawags, were on the whole abler and more influential than elsewhere except in Tennessee. In no other account of Reconstruction are the military features of the process more clearly shown. The policies of the military commanders, whether wise or not, are explained in detail. Especially interesting is the account of the maneuvers of General Reynolds trying to become carpet bag senator from Texas. And the incompetence of Sheridan in the face of a non-military situation is even more glaringly evident in Texas than in Louisiana.

WALTER L. FLEMING.

Louisiana State University.

*History of Reconstruction in Louisiana (through 1868).* By John Rose Ficklin, late Professor of History in Tulane University. With an editorial note by Pierce Butler. [Johns Hopkins University Studies in Historical and Political Science. Series XXVIII, No. 1.] (Baltimore: The Johns Hopkins Press, 1910. Pp. ix, 234.)

The lamented death of Professor John R. Ficklin in the summer of 1907 left unfinished his long looked for monograph on Reconstruction in Louisiana. However, except for final revision, he had prepared the manuscript through the presidential elections of 1868; and it has now been brought out under the editorial supervision of his colleague, Professor Pierce Butler.

The first chapter gives a rapid review of ante-bellum politics and the rise of the secession spirit, follows the struggle between the secessionists and the "co-operationists," describes the work of the secession convention, and then, without strict fidelity to its title—"Ante-Bellum History in Louisiana,"—sketches the opening of the war, the capture of New Orleans by Farragut in April, 1862, and the military operations in other parts of the state to the close of the war. A short chapter is given to the administration of General Butler, an administration memorable for cotton speculations, confiscations, the notorious "Order No. 28," the new problem of negro emancipation and negro labor, and the tentative renewal of political relations with the United States Government in the election and admission of two representatives to Congress. The

author is surprisingly reticent as to Butler's share in the cotton speculations, due perhaps to a failure to consult the *War of the Rebellion Records*. This great collection, by the way, would have furnished him with explicit information on a number of points in the administrations of both Butler and his successor, Banks. There follows a brief but clear account of the rule of the latter general, the initiation of Lincoln's experimental "ten per cent" government and the opposition it aroused in Congress, the problems as to the status to be given the emancipated slaves, the work of the constitutional convention of 1864, and the system of quasi-civil government maintained under Federal authority during the war period.

What happened in Louisiana during the first two years after the surrender of Lee was common to most of the southern states. The returning ex-Confederates recovered control almost at once and the legislature passed stringent labor laws that furnished political capital for the northern radicals. Perhaps more space than necessary is given to the familiar story of President Johnson's quarrel with the congressional radicals, but its insertion will clarify the situation for the general reader. One of the best chapters is that on "The So-Called Riot of July 30, 1866," in which Professor Ficklin makes it clear that the radicals had no legal or moral right to recall the defunct convention of 1864, and that in all the proceedings up to the actual outbreak their attitude was provocative of trouble. The effect of the riot upon Congress and the northern public is also well told. The concluding chapters recount the passage of the Reconstruction Acts, the rule of Sheridan and his successors in Louisiana, the session of the "black and tan" constitutional convention in 1867, the acceptance by virtue of negro votes of the constitution that it framed, the final restoration of the state to the Union, the swift organization of the Democrats, now that that advantage was gained, the operations of the Knights of the White Camelia and the Ku Klux Klan, and the revelation of Democratic strength in the presidential elections of 1868 when they carried the state for Seymour and Blair by a substantial majority. Here the narrative stops abruptly.

No state of the old South suffered more indignities during the period here reviewed than did Louisiana, and one is prepared to

pardon much of partisanship in the historian; but throughout the volume an admirably judicial tone is preserved, and indications of partisan spirit are almost wholly absent. There is so much of interest in the subject itself that one regrets what now and then seems to be a sketchiness of treatment. However, the most obvious criticism applies to the narrow range of sources made use of, especially as it is upon monographs such as this that the more pretentious histories must be largely based. Allusion has been made to the neglect of the *War of the Rebellion Records*. Another strange omission is that of the Johnson Papers in the Library of Congress, while but little attention seems to have been given to possible manuscript sources in Louisiana itself, though the task of examining them is sufficiently appalling to deter the most conscientious investigator. All of these omissions might have been remedied by the author had he lived to finish his task.

The work of the editor has been well done. There are few obvious repetitions of phrases or statements such as are common to unfinished manuscripts; and the footnotes and the index are carefully made. It is to be hoped that some competent hand will now undertake the task of carrying on the story in detail to the end of the radical regime in 1877.

CHAS. W. RAMSDELL.

The April number of *The American Historical Review* (Vol. XV, No. 3), opens with an account by the secretary, Professor Charles H. Haskins, of the annual meeting of the Association last December in New York City, and contains, besides, four important articles. Professor James F. Baldwin writes, as usual, on the constitutional history of England, his article being entitled "The King's Council and the Chancery"; Professor Guy S. Ford continues "Wöllner and the Prussian Religious Edict of 1788"; Hon. John W. Foster gives an account of the separation of Church and State in Mexico, in an article entitled "The Contest for the Laws of Reform in Mexico"; and Dr. James Ford Rhodes writes a stirring account of the operations of a lawless Irish labor organization, "The Molly Maguires in the Anthracite Region of Pennsylvania," 1865-1876.

Among the book reviews one finds, of special interest to Texas readers, Professor Justin H. Smith's review of Professor Garrison's first volume of the *Diplomatic Correspondence of the Republic of Texas*, which was recently published by the American Historical Association as Volume II, Part I, of its *Report* for 1907. Professor Smith says in part: "Texas was for a time the most critical diplomatic battlefield of Christendom. The publication of her correspondence has therefore been a historical desideratum of no little consequence, and one has great reason for thankfulness in taking up the first of the two volumes which are to present it, edited by a scholar better qualified than any one else for his task and put forth by the American Historical Association in excellent form. The contents of the volume are in general the correspondence with the United States down to the close of 1842; and among the subjects upon which light is thrown are the internal conditions of Texas, the character and purposes of her public men, her relations with the government and the Federalists of Mexico, her southern and her northern boundary difficulties, her Indian troubles, the moral and the material assistance drawn from the United States, the Santa Fé expedition and its sequel, the question of postal arrangements with the United States and fugitives from justice, American relations with Mexico and action in behalf of Texan independence, the treaty of amity, navigation, and commerce with the country, political conditions here, the motives and aims of our statesmen, and—above all other subjects—the questions of recognition by this government and annexation to our Union."

E. C. B.

*For the Liberty of Texas.* By Edward Stratemeyer. Lathop, Lee & Shepard Co., Boston, 1909.

This is a juvenile book written some ten years ago, and is the first of a series of three romantic stories known as the Mexican War Series, published by Dana Estes & Co., but now reissued by the Lathop, Lee & Shepard Co. The struggle of the Texans for freedom from Mexico forms the historical background. Two boys, Dan and Ralph Radbury, living with their father in "a typical frontier home in the heart of Texas, close to the Guadalupe River, and about ten miles from what was then the village of Gonzales,"

are the youthful heroes of the many wild adventures, hairbreadth escapes, and thrilling rescues which go to make up the book.

The historical material is of an elementary character and is accurate enough for the general purposes of fiction. It is touched up, of course, with the romantic colors so fascinating to young readers, and there is no question but that any healthy, normal lad of ten to fifteen years will become intensely interested in the narrative of the exciting personal adventures of these two boys of similar ages. They had all the usual romantic adventures of thrilling fights with Indians, Mexicans, wild animals, marvelous escapes from hotly contested battles and fierce personal encounters, sometimes through their own prowess and sometimes through that of their friends whose knowledge of secret passages and unblazed trails often stood them in good stead. The story of the fall of the Alamo and the account of the final victory of General Houston over Santa Anna at San Jacinto supply the subject-matter for the final chapters.

The book is only fairly written so far as literary style goes, but the readers to whom Mr. Stratemeyer appeals ask for nothing more than a thrilling and engrossing tale full of red Indians and wild western life, and that they certainly have in this volume.

L. W. P., JR.

*Stories of the Great West.* By Theodore Roosevelt. The Century Co., New York, 1909.

This book is made up of a collection of sketches written by Theodore Roosevelt and published heretofore in different books, but now brought together from various sources and put in a convenient volume for school libraries and juvenile collections. The matter is divided into two sections, stories from history and stories from personal adventure, all dealing with the development and life of the great West, or more specifically the great Northwest. The first of the historical group treats briefly of Daniel Boone and the founding of Kentucky. This is followed by a fuller expository section on "The Backwoodsmen of the Alleghanies," being a chapter from Mr. Roosevelt's famous larger work, *The Winning of the West*. Here the life of the pioneer is carefully studied and reproduced. The story of how George Rogers Clark conquered the Northwest

Territory for the Americans during the Revolutionary War is the theme of the third section. The description of the march of Clark and his men kneedeep through the icy waters which covered the drowned lands of the Wabash country to surprise the British regulars under General Hamilton at Vincennes is made as thrilling and heroic as Washington's crossing the Delaware to surprise the British at Trenton. The next section treats of the exploring expedition of Captains Meriweather Lewis, and William Clark (a younger brother of George Rogers Clark) through the greater Northwest in 1804-1806. This is another chapter from *The Winning of the West*. In the last sketch the author turns to Texas history for a subject, and retells briefly the dramatic story of the death of Crockett and his brave companions in the Alamo.

In the second group of realistic stories, the most interesting are the accounts of life in Mr. Roosevelt's "Home Ranch" on the Little Missouri in the Dakotas. Here we have descriptions of the cowboy life as it was in the days when Mr. Roosevelt was himself a ranchman, the round-up and the work and exciting incidents pertaining thereto, the stirring conflicts with wild animals and wilder men, and all the story of western ranch life. The last sketch or story is perhaps the most interesting of all. It is called "Sheriff's Work on a Ranch," and is a detailed account of how Mr. Roosevelt and two of his trusted cowboys followed and captured in midwinter three thieves who had made off with the ranch boat, the only one in all that section of the country. The chase, the capture, the long days of guarding the captives, the great hardships and difficulties attendant on the three hundred mile journey to a place where a real sheriff could be found to take charge of the prisoners,—all this goes to make up a decidedly engrossing narrative.

L. W. P., JR.

*The Texas Methodist Historical Quarterly.* Vol. I. Published by the Texas Methodist Historical Association. Georgetown, Texas.

The purpose behind the foundation of this quarterly is primarily to assist those who have in charge the preparation of a history of the Methodist church in Texas. Thrall wrote in 1889 a history of Methodism in Texas which is a pioneer work, but

a history based upon material both intimate and widely drawn remains yet to be written. By securing the personal reminiscences, diaries, and letters of those who were pioneers in the church, and by encouraging a search for and preservation of old records, the Texas Methodist Historical Association and its quarterly publication are laying the basis for a satisfactory history. This work is of interest and importance to all students of the state's history, for that history has other sides than the mere political with which we have been disproportionally regaled.

The activities of the Methodist church in Texas go back to the period of Mexican rule. Its pulpits, press, and schools have vastly multiplied since then and have been potent forces in the advancement of the state on its unmaterial side. Stevenson, Fowler, Ruter, McKenzie, and Alexander were strong personalities and appealing evangelists, and the last three were instrumental in the establishment of some of the earliest institutions of learning in the state. There is something heroic about their lives, and the numbers of the *Quarterly* constituting Volume I have appropriately devoted considerable space to the biography and autobiography of these pioneers. There is also to be found in these numbers a good deal of reminiscent matter and old correspondence which have interesting accounts of things economic and social as well as ecclesiastical. It is this manysidedness of much of the matter that lends to it an added interest for the student of general history. A history of the Northwest Texas Conference down to 1880 is given in this volume, and it is to be expected that a similarly complete history of the other conferences will be given, for the statistics of membership and of finances contained in the minutes are the concrete tests of progress.

The *Quarterly* is a welcome addition to the historical publications of the state, and it is to be hoped that it will meet with abundant success.

E. T. M.

## AFFAIRS OF THE ASSOCIATION

On July 3 Professor George P. Garrison, who for thirteen years was the editor of THE QUARTERLY and the vital spirit of the Association, died of chronic valvular disease of the heart. His last work for the Association was to edit, while lying in bed, a part of the "Reminiscences of Henry Smith," which appears in this number. Under his scholarly direction THE QUARTERLY has gained recognition as one of the best local historical publications in the United States, and it will be no easy matter to carry on the task which he so ably began. His death is a sad loss to historical scholarship in America; and to the University of Texas, of whose Faculty he was the senior member, the loss is in many ways irreparable. No teacher in Texas had higher ideals of citizenship, or more success in effectively inculcating those ideals in others.

The memorial below, attesting the appreciation of the Association for his unique services, was prepared at the request of President Terrell by a committee consisting of Judge John C. Townes, Mrs. Bride Neill Taylor, and Professor W. J. Battle.

*To the Texas State Historical Association:*

Dr. Garrison was born at Carrollton, Georgia, December 19, 1853. He died at his home in Austin, Texas, July 3, 1910.

He enjoyed the advantages of good private schools in Georgia and Tennessee during his youth. In his early manhood he came with his father's family to Texas, settling near Henderson. He chose teaching as his life work, and, desiring to fit himself more fully for his adopted profession, selected the University of Edinburgh in which to prosecute his advanced studies. He graduated from that institution in 1881, receiving the degree of L. A. In 1896 he received the degree of Doctor of Philosophy from the University of Chicago.

In 1883 the University of Texas was organized, and in 1884 Dr. Garrison came to the institution as instructor in English and History, a position which he held until 1888, when the Schools of English and History were separated. Dr. Garrison was then put in charge of the School of History with the rank of Assistant Pro-

fessor, and he remained at the head of this School until his death, having been promoted to a full professorship in 1897.

The duties of his position as teacher and head of the School were varied and arduous, but nevertheless he made time for broad reading and extensive personal research. Most of his attention was given to the History of Texas and of the Southwest, and in this field he was a most successful pioneer. Among the partial results of his labors, are the following valuable books: *A Civil Government of Texas* (1898), *Texas* (1903), *Westward Extension* (1906).

For some six years prior to his death, he was busily engaged in editing for the Manuscripts Commission of the American Historical Association, of which he was an honored member, *The Diplomatic Correspondence of the Republic of Texas*. Volume I of this appeared in 1909, and the proof sheets of the second and concluding volume were on Dr. Garrison's desk when he died.

In 1897 Dr. Garrison, in connection with Mr. L. G. Bugbee, formerly his pupil, and at that time his assistant in the School of History, founded this Association, one of the chief objects of which is to gather and perpetuate material concerning the history of Texas. As a means of accomplishing this THE QUARTERLY was begun with Dr. Garrison as its editor. The nature and extent of his labors in connection with the Association and THE QUARTERLY are abundantly proved by the records of the Association and the grateful memory of all its members. It is not too much to say that Dr. Garrison was the originator and inspiration and virtually the life of both. It will be difficult, indeed, to fill his place in our midst.

The research and literary work outlined above he carried on concurrently with his valuable services in the State University. He was not physically strong and his body was often wearied, but his spirit was tireless and his will indomitable. Upon these firm foundations his reputation as historian and teacher safely rest.

This memorial of our friend would not be complete without some expression of our estimate of his character. His strongest quality, the one that dominated his whole being, was absolute and unchanging honesty. He was honest in desire, honest in thought, honest in word, honest in action. One of his chief concerns was that no one should be injured by him in any way. His honesty,

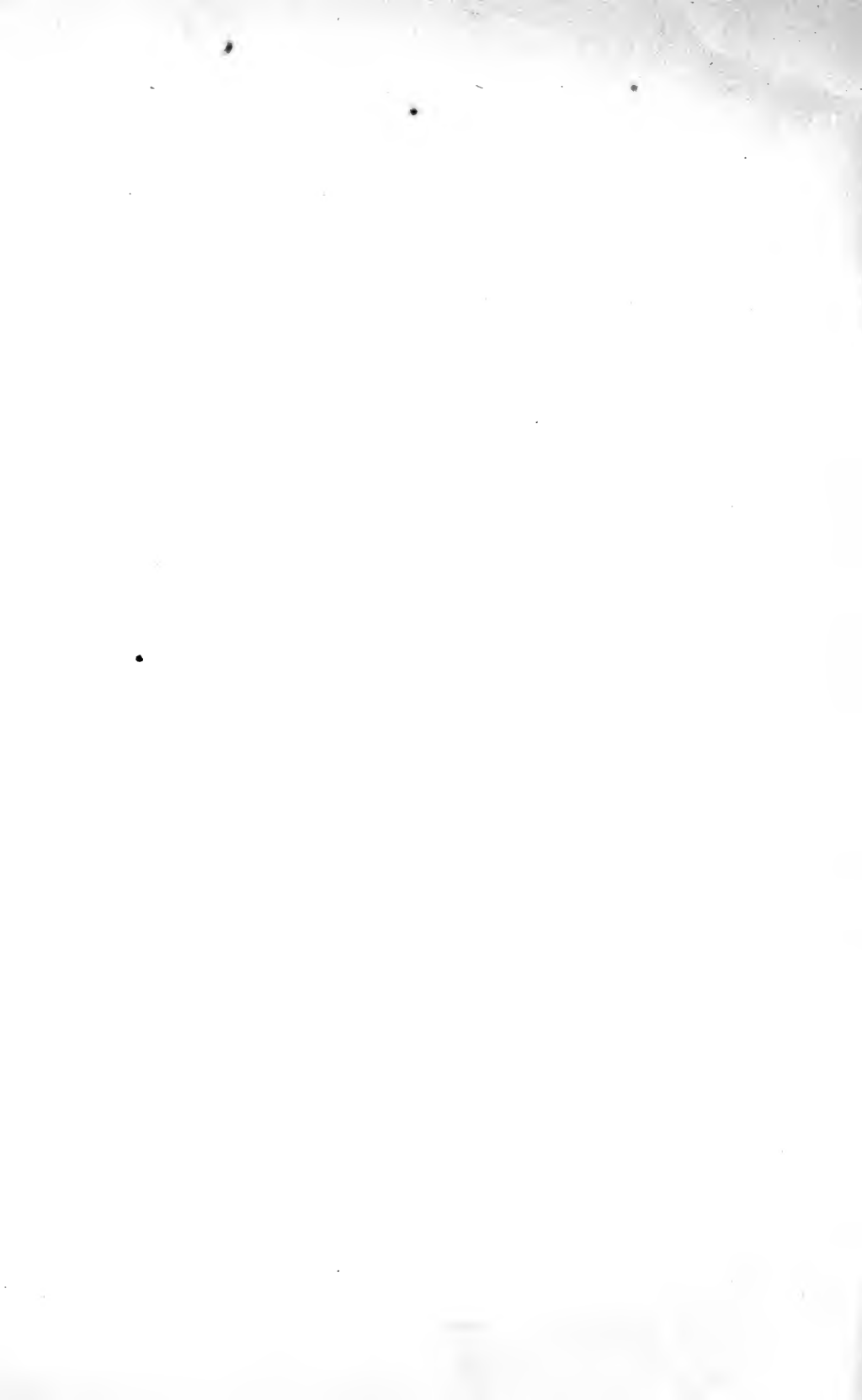
however, was tempered with kindness and with modesty. Always true to his convictions, he was temperate in expression, simple and unassuming in manner, and courteous toward all. He was faithful to duty. His thoughts were not fixed upon personal advantage but upon the right, and his conduct was in accord with his conscience. Take him all and all, he was one of the best and truest of men.

We mourn his loss, but rejoice that while he has gone to his reward, his works remain with us as an inspiration, and the memory of his life as an example worthy of emulation.

JNO. C. TOWNES.

For the Committee.

Until further action by the Executive Council THE QUARTERLY will appear under the editorial management of the associate editors, Professor Eugene C. Barker and Mr. E. W. Winkler.



# THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL ASSOCIATION

VOL. XIV.

OCTOBER, 1910.

No. 2.

*The publication committee and the editors disclaim responsibility for views expressed by contributors to THE QUARTERLY.*

## THE STATE FINANCES OF TEXAS DURING THE RECONSTRUCTION

E. T. MILLER

POLITICAL

Although General Lee surrendered early in April, 1865, the break-up of the Confederacy did not occur in Texas until the end of May. Disorganization of all authority followed, and in the general confusion confederate and state property was appropriated by disbanded soldiers and even the state treasury at Austin was looted. The loss of property, however, was small and the disorder little when viewed against the background of bitter disappointment and uncertainty of the future which the people of the state felt on account of the downfall of the Confederacy.

The arrival at Galveston on the nineteenth of June of General Gordon Granger initiated the first provisional government—a mongrel of civil and military rule, but predominantly military. A. J. Hamilton, who had been appointed on June 17 provisional governor of Texas by President Johnson arrived at Galveston on July 21, and proceeded soon to Austin to take office. After some delay a registration of those citizens of the state who would take the oath of amnesty was made and an election of delegates to a constitutional convention was ordered. The convention met in Austin on February 7, 1866, and was in session eight weeks. In the election that followed the conservative ticket, or that endorsing President Johnson's policy for the restoration of the state govern-

ments, headed by J. W. Throckmorton, was successful, and the amendments to the constitution were adopted. The newly elected government took possession on August 13, 1866, and on August 20 President Johnson declared by proclamation that the insurrection in Texas was at an end. The restoration to a normal state of civil government that was being made and the amelioration of general conditions that was taking place were terminated, however, by the reversal by Congress of President Johnson's policy. Under the provisions of the so-called Reconstruction Acts, passed in March and July of 1867, Texas became a part of the Fifth Military District, and went again under a provisional form of government which lasted from August 8, 1867, to January, 1870. Again, also, the process of emergence from the provisional form was gone through with, and another constitution was adopted and another election of state officials was held. E. J. Davis was the new governor-elect, and his administration, which is known as the period of radical rule, lasted three full years. It was undermined by the election of a democratic legislature,—the famous thirteenth,—in November, 1872, and fell and was swept away by the election in December, 1873, and the inauguration on January 15, 1874, of Richard Coke as governor.

Although the Reconstruction as a political condition ended at the close of 1873, and though the financial policy came under the control of new hands at the beginning of that year, the finances of the state were slow in recovering from the effects of the war and radical rule, and it was nearly a decade before a normal condition was again reached. The period treated in this study, however, extends from the close of the war through August 31, 1874.

#### EXPENDITURES

The character and movement of expenditures are exhibited in Appendix A (page 110). The table there presented shows only the amount of warrants drawn during each fiscal year; and, owing to a continued treasury deficit, in only one year, 1868, are the amount of cash paid out of the treasury and the amount of warrants drawn the same. However, as the warrants drawn were demands upon the treasury which were eventually met, the table represents the policy pursued with respect to expenditures.

The cost of administering the state government was fluctuating but on the whole showed an upward tendency until 1870, and after that year took a violent rise. The multiplication of state employees and especially the increase in salaries and contingent expenses worked to swell the cost of running the several departments. The constitution of 1866 extended the term of office of the governor to four years and provided for a salary of \$4000, which was an increase of \$1000 over the former figure. This was further increased in 1870 to \$5000. The secretary of state, the treasurer, and the comptroller each received annual salaries of \$1800, and the commissioner of the general land office, \$2000, until 1866, when all were increased to \$2500, and in 1870 they were further increased to \$3000. Chief clerks after 1870 received \$1400 to \$1600. By the constitution of 1866 the number of judges of the supreme court was enlarged from three to five, and the minimum salary raised from \$3000 to \$4500. The minimum salary of district judges also was raised from \$2250 to \$3500. These substantial increases in salaries were ill-timed and were beyond the ability of the tax-paying public. The claim for an increase on account of high prices was stronger during the war, but neither the general price level nor the opportunities in private life at this time warranted the increases provided.

Occasions of large annual expenditures were the sessions of the legislature, and to this cost of law-making may be added that on account of the constitutional conventions. Legislative sessions were frequent and long and were taken up largely with private legislation which could have been avoided to a great extent by a general corporation law.<sup>1</sup> The legislature, however, was not extravagant in the matter of outlays on itself either to the same degree or in the same fashion that characterized other southern legislatures of this period. Expensive chamber furniture and other furnishings, and champagne and cigars to enable committees to endure better their arduous labor do not shame Texas legislative annals as they do those of states which, like South Carolina, were ridden by carpet-baggers. There were, though, improper expenditures which were cloaked under the blanket appropriation for con-

<sup>1</sup>Message of Governor Davis, January 10, 1871; the *San Antonio Daily Herald*, April 20, May 8, and June 11, 1873; *Proceedings of Taxpayers' Convention*, Austin, 1871, p. 21.

tingent expenses; pet partisan newspapers were generously subscribed for; and the mileage and per diem provided were unprecedentedly liberal.<sup>1</sup>

While the state departments and the legislature claim a part of the growth of expenditures after 1870, the bulk of the growth is ascribable to other objects. The cost of the judiciary more than doubled, but the organization of new courts and the activity of the state's prosecuting agents account largely for this. The increase in fee payments to sheriffs and prosecuting attorneys was marked, but the fee system was no more abused at this time than under later administrations. After 1871 disbursements from the available school fund took a leading place among the state's expenditures. The use of the assets of the school fund during the war and the failure, due chiefly to inability, to make restoration or reparation to that fund resulted in a suspension of its functions until their revival by the act of 1871. There was expended out of this fund during 1872, 1873, and 1874, \$1,489,675, as against \$37,885 from 1865 through 1871. Beginning in 1871 the protection of the frontier settlements against marauding Indians and Mexicans called for large annual outlays. The need of protection became manifest immediately after the war, and failure of the federal government to extend it forced the state to perform the duty. Despite expenditures during the four years, 1871-1874, of \$524,963, the protection extended was held to be inadequate.<sup>2</sup> The expenditures on this account were subsequently refunded to the state by the national government, but not during the period of the Reconstruction. In 1888, \$922,541.52 was refunded; in 1891, \$148,615.97. These amounts were refunded under the act of Congress of June 27, 1882, and reimbursed the state for all expenditures of this character between 1866 and 1882. Expenditures for the asylums, especially for the insane, increased during this period, but no exception can be taken to the better provision for the unfortunate wards of the State. There appears to have been some jobbery, however, in connection with the purchase of sup-

<sup>1</sup>Reconstruction Journal, 1868, p. 47; the San Antonio Daily Herald, June 11, December 22 and 29, 1868; Flake's Daily Bulletin, August 27, 1868; message of Governor Davis, January 14, 1873.

<sup>2</sup>The San Antonio Daily Herald, September 6, 1871.

plies for the asylums and the repairs of public buildings.<sup>1</sup> Except in 1869, when a large amount was expended for support, the penitentiary was not an expensive institution. The expediency of leasing it and the labor of the convicts was suggested in 1868 and was carried out in 1871. Thereafter the only expense of the state in connection with it was for the transportation of prisoners.

Perhaps the most obnoxious of the measures of the E. J. Davis administration was that providing for a system of state police. Warrants drawn on account of the state police and the state militia,—almost wholly, however, for the police,—amounted during the period 1871-1874 to \$688,091, or 15 per cent of the total of warrants drawn on the general revenue fund. The personnel of the police body, their abuse of authority, and the fact that they performed functions which belonged to the local governments, led to the abolition of the system by the democratic legislature in 1871.<sup>2</sup>

Texas narrowly escaped during this period the subsidizing of railroads with bonds,—a policy that characterized a number of southern reconstruction governments and which resulted in grievous financial burdens to the states. The constitution of 1866 empowered the legislature to guarantee the bonds of railroad companies to any amount not exceeding the sum of \$15,000 per mile. No resort was made to this provision because the constitution of 1866 was short lived, and the provision was believed to be in conflict with section 33 of the constitution, which prohibited the legislature from contracting a debt to exceed \$100,000, except in case of war, to repel invasion, or suppress insurrection.<sup>3</sup> The constitution of 1869 shut out land grants to any but actual settlers, but permitted bond subsidies to internal improvements. By the act of August 5, 1870, incorporating the International Railroad Company, a subsidy in 8 per cent, thirty-year bonds of \$10,000 a mile, was granted, and an *ad valorem* tax upon all taxable property sufficient to pay the interest and contribute to a 2 per cent sinking fund was authorized. The state pledged itself in this act that its

<sup>1</sup>Report of Committee on Asylums, House Journal, 14th Legislature, p. 14; report of Committee on Public Buildings. *Ibid.*, p. 161.

<sup>2</sup>Ramsdell, *Reconstruction in Texas*, 302, 312.

<sup>3</sup>Report of Committee on Judiciary, House Journal, 11th Legislature, p. 733.

bond subsidies to works of internal improvement should not exceed \$12,000,000.<sup>1</sup> An act carrying a subsidy of \$6,000,000 in 8 per cent, thirty-year bonds to a road that should cross the state from east to west and reach the Pacific Ocean was opposed by the governor, and it was only when the bill had passed the legislature after two vetoes that he withdrew his opposition.<sup>2</sup> A bill that proposed to subsidize the East Line and Red River Railroad Company with 7 per cent bonds to the amount of \$30,000 a mile was effectively vetoed.<sup>3</sup> It was provided in the act chartering and subsidizing the Pacific road that when the state should have power under the constitution to grant lands in aid of internal improvements, a land grant should be substituted for the bond subsidy, and this substitution was made in 1873, following the adoption of an amendment to the constitution authorizing land donations. Bonds for the subsidy to the International road were signed by the governor, but when presented to the comptroller to be countersigned and registered, that officer refused. The company thereupon brought suit to compel the signature of the comptroller, but the supreme court of the state reversed the judgment of the district court awarding a peremptory mandamus and dismissed the case on the ground that the judicial department of the government had no authority to interfere with the executive department in the performance of duties not ministerial in character.<sup>4</sup> Unblushing bribery was charged in connection with the passage of this International subsidy, and though the jury of a district court found the allegation of fraud to be untrue, the charges were so rife and upon such high authority as to give them credence.<sup>5</sup> It was a cause of wonder at the time that members of the twelfth legislature whose income was their per diem should at the end of the session be able to buy fine horses and furniture and to travel north.<sup>6</sup>

<sup>1</sup>Act of August 5, 1870, Section 10. Gammel, *Laws of Texas*, V, 606.

<sup>2</sup>House Journal, 12th Legislature, p. 1688.

<sup>3</sup>House Journal, 12th Legislature, p. 881.

<sup>4</sup>*Bledsoe v. the International Railroad Company*, 40 Tex., 537.

<sup>5</sup>*Bledsoe v. the International Railroad Company*, 40 Tex., 537; message of Governor Coke, January 12, 1875; the *San Antonio Daily Herald*, October 4 and 20, and November 24, 1870; the *Houston Daily Telegraph*, February 23 and October 19, 1871.

<sup>6</sup>Clippings from the *State Gazette* and *Flake's Bulletin* in the *San Antonio Daily Herald*, September 27 and October 20, 1870.

Except for the increase in salaries under the Throckmorton government and the wastefulness of the constitutional convention of 1868, the expenditures to 1870 were not excessive. This is not true, however, for the period of the Reconstruction thereafter. Expenditures then were beyond the ability of the state, and the best evidence thereof is that despite heavy taxation, bonds were sold to pay current expenses and a large floating debt was accumulated. The twelfth legislature exhibited a degree of profligacy and of open disregard of the state's economic condition that clinches it in the niche of notoriety that it holds in Texas legislative history. Matters might have been worse, though, and that they were not so was due mainly to the integrity of the governor in the administration of the public finances.<sup>1</sup>

#### RECEIPTS<sup>2</sup>

The chief source of receipts during this period was taxation, and the main tax was, as in previous periods, the *ad valorem* tax upon real and personal property. The work of assessment and collection was performed until 1870 by an assessor and collector, but thereafter assessment was by the justices of the peace, and collection by the sheriff of each county. Under the provisional governments assessment and collection were subject to special difficulties. The war had disorganized the machinery of administration, and in many of the counties it was impossible, owing to the opposition of the people to military authority, to secure an assessor and collector. In 1868, for example, thirty-nine counties out of one hundred and twenty-five had vacancies in the office. It was not infrequent, too, that those who qualified were inexperienced, inefficient, or corrupt.<sup>3</sup> Despite these difficulties, however, receipts from taxes before 1870 were, proportionately to the rate and the total assessments, more satisfactory than after 1870. This better showing was due, in the first place, to the more rigid collection under the military authorities, and, in the second place, to less burdensome rates. A number of circumstances contributed to the disarrange-

<sup>1</sup>Ramsdell, *Reconstruction in Texas*, 318.

<sup>2</sup>See Appendix B, page 112.

<sup>3</sup>Comptroller's report, 1868-9, p. 4. In 1870 defaulting and delinquent officers were due the State \$350,000. Comptroller's Report, 1870, p. 20.

ment of the tax system during this period, however. The escape and undervaluation of real estate was favored by the provision of the laws which permitted its rendition either in the county of its *situs* or in the county of residence of the owner or agent. Furthermore, the failure to get tax titles sustained by the courts because of the seeming impossibility for assessors and collectors to comply strictly with all the details of the laws regarding sale for taxes, robbed legal coercion of payment of its terrors.<sup>1</sup> Further, the tax year ended December 1, which resulted in the collection of taxes during the summer or fall, or the seasons of greatest scarcity of money for the farmers.<sup>2</sup> Back taxes piled up as a consequence of these circumstances, and strenuous efforts were made to collect them. The act of November 12, 1866, required the compilation of a list of all lands on which taxes were due from 1849 to 1866, and provided for their sale. In 1865 and 1866, 791,000 acres, and in 1867 and 1868 the unprecedented number of 7,800,000 acres, were sold to the state for unpaid taxes.<sup>3</sup> This act was later nullified, and the attempt was again made in 1870 to collect back taxes, but failed because of the governor's veto of the appropriation to carry it out.<sup>4</sup> Subsequent attempts were of the nature of commutation for all unpaid amounts by payment of three or five times the amount of the current taxes.

The feature of taxation under radical rule and the circumstance which more than any other explains the ill-working of the tax system is that state and local taxes together constituted too great a burden. In 1865, the state *ad valorem* rate was 12½ cents on the \$100 valuation; in 1866 and 1867, 20 cents; in 1868, 1869, and 1870, 15 cents; in 1871, 1872, 1873 and 1874, 50 cents. In 1868, there was in addition to the regular tax of 15 cents, a special tax of 20 cents to pay the expenses of the constitutional convention. In 1868, the state and county *ad valorem* taxes amounted in Bexar county, for example, to \$1.10 on the \$100 valuation, and in 1870, to \$1.12½. Besides these there were state and

<sup>1</sup>Acting-Provisional Comptroller's Report, 1866; Comptroller's Report, 1868-9, p. 7; message of Governor Coke, April 19, 1876.

<sup>2</sup>Comptroller's Report, 1874, p. 3.

<sup>3</sup>Comptroller's Report, 1868-9, p. 110.

<sup>4</sup>Message of Governor Davis, January 10, 1871.

county income, salary, poll, and occupation taxes, and city taxes.<sup>1</sup> In 1871, combined state and county *ad valorem* rates amounted at a conservative estimate to \$2.175, and there were besides the state and county poll and occupation taxes, and city taxes.<sup>2</sup> In 1869, collected state and local taxes of all kinds aggregated \$1,129,577; in 1872, assessed state and county *ad valorem* and occupation taxes and local taxes for public schools amounted to \$4,584,275.<sup>3</sup> All of our statistics indicate an increase in taxation that was enormous. Assuming 10 per cent as a low average rate of interest on loanable capital, state and county taxes of \$2.17 would be equivalent to an income tax of 21 per cent. No government would dare to levy an income tax at such a figure, and it should be no surprise that the imposition of this rate indirectly through the property tax occasioned bitter complaint and led to the undervaluation and escape of property. Conventions of tax-payers were held in a number of counties, and as a culminating protest a convention of the tax-payers of the state was held in Austin on September 22, 23 and 25, 1871, with two hundred and seventeen delegates present representing ninety-four counties.<sup>4</sup> This convention was called by the radicals, "a body of sulks and soreheads," but these epithets ill apply to ex-Governors Throckmorton, Pease and Hamilton and to the other leading men who were delegates.<sup>5</sup>

In estimating the weight of taxation upon the people of the state during this period certain federal taxes need to be considered. The sum of the direct tax of 1861 apportioned to Texas was \$355,106.66. By an ordinance of the convention of 1866, the state assumed the payment of this tax, and the comptroller was authorized to effect settlement if possible by setting off against the amount due the amount owed Texas by the national government on account of advances by the state for frontier defence, unpaid

<sup>1</sup>The San Antonio Daily Herald, April 9, 1868, November 18, 22, 26, and December 22, 1870.

<sup>2</sup>Proceedings of the Taxpayers' Convention, Austin, 1871, p. 22. See also Clegg v. the State, 42 Tex., 605.

<sup>3</sup>Census of 1870, Vol. III; message of Governor Davis, January 14, 1873.

<sup>4</sup>Proceedings of the Taxpayers' Convention, Austin, 1871, pp. 5-8; the Houston Daily Telegraph, August 13, 25, September 5, 8, 19, 20, 1871; the San Antonio Daily Herald, September 26 and 27, 1871; the Austin Democratic Statesman, September 23 and 26, 1871.

<sup>5</sup>The Austin Daily Journal, September 21, 1871, *et passim*.

bonds of the United States held by the state, etc.<sup>1</sup> Nothing came of this, and by an act of November 13, 1866, the governor was authorized to have assessed and collected upon all real property a tax of 28 cents on each \$100 of value of such property rendered for the year 1861, and any deficiency was to be made up from the state revenue account.<sup>2</sup> Nothing came of this measure either, however, and all that was collected of the tax was that effected by the United States internal revenue agents in 1865 and 1866. Up to the time of the suspension of collection by the act of Congress of July 28, 1866, there was credited to Texas \$180,841.51, leaving the amount uncollected \$174,265.16.<sup>3</sup>

More burdensome than the direct tax was the federal tax upon cotton which was levied from 1864 to 1867. It was 2 and 3 cents a pound and its collection was rigidly enforced. The total paid by Texas was \$5,502,401.<sup>4</sup>

Besides the general property tax, the state levied income, business and poll taxes. The income tax levied during the war was not an income tax in the strict sense of the term but was really an occupation tax. Governor Throckmorton recommended certain changes in it, the chief ones being that the rates should be graduated and that there should be an exemption.<sup>5</sup> His suggestions were carried out in the act of November 6, 1866.<sup>6</sup> This act provided that there should "be levied on and collected from every person, firm, corporation, or association, doing business within this state, at any time during the year 1866, and in every year thereafter, an annual income tax, as follows: on the first \$1000 of net taxable income, a tax of 1 per cent; on the second, a tax of 1½ per cent; on the third, fourth and fifth, a tax of 2 per cent; and on all taxable income above \$5000, a tax of 3 per cent."

<sup>1</sup>Gammel, *Laws of Texas*, V, 891.

<sup>2</sup>Gammel, *Laws of Texas*, V, 1175.

<sup>3</sup>House Executive Document, No. 159, Forty-ninth Congress, Second Session; Dunbar, "The Direct Tax of 1861," in *Quarterly Journal of Economics*, III, 450, 453; the *Southern Intelligencer*, May 10 and June 7, 1866. By the act of Congress of March 2, 1891, refunding the direct tax, Texas received \$180,886.72. This amount was held in trust for, and distributed to, those who paid or their heirs, until March 2, 1897, when the balance of \$66,197.89 reverted to the general treasury of the state.

<sup>4</sup>51 Cong., 1 Sess., House Report, No. 683.

<sup>5</sup>House Journal, 11th Legislature, Regular Session, p. 79.

<sup>6</sup>Gammel, *Laws of Texas*, V, 1009.

This tax was known as the "income tax." It was provided also "that upon the salaries of all salaried persons, serving in any capacity whatever, except upon persons in the army or navy of the United States, or those whose salaries are \$600 or less per annum, an annual tax of one-half of 1 per cent on all sums over \$600 so received" should be levied. This tax was known as the "salary tax."

In the assessment of the income tax the sworn schedule provided for a statement of the gross income and the deductions therefrom. The following deductions were allowed: from all incomes, when returned by heads of families, \$600; losses on real estate, if purchased within the year; interest, taxes; amount actually paid for rent of homestead; and salaries. In addition to these, rent, insurance, and other expenses were allowed to be deducted from the profits of trade; from the rent of land, the average annual outlay for the repair of fences was deductible; and from the rent of buildings, actual repairs, not to exceed 10 per cent of the rent and insurance paid by the owner; from farming operations, the amounts paid for labor, repairs, live stock bought and sold during the year, insurance, and interest on any incumbrance upon the farm.<sup>1</sup>

It is to be noted in regard to the assessment of the income tax that no use whatever was made of the principle of stoppage at the source. The salary tax also was self-assessed.

The income and salary taxes were in operation five years, or from 1866 to 1870. The returns, and especially those of the salary tax, were small. The law was poorly drawn and laxly administered, and evasion was wholesale. In 1867, no incomes were assessed in forty-two and no salaries in one hundred and one out of one hundred and thirty-three counties; in 1868, no incomes were assessed in sixty-one out of one hundred and thirty-six counties, and no salaries in one hundred and fifteen counties.<sup>2</sup>

The business taxes levied during this period were the customary specific occupation taxes, the income tax as described above, and

<sup>1</sup>Act of November 10, 1866, Gammel, *Laws of Texas*, V, 1058. See *Millar v. Douglass*, 42 Tex., 288.

<sup>2</sup>Comptroller's Report, 1868-9. Income tax assessed in 1867, \$38,892; salary tax assessed in 1867, \$1186; *ad valorem* and poll taxes assessed in 1867, \$354,418; income tax assessed in 1868, \$14,600; salary tax assessed in 1868, \$1086; *ad valorem* and poll taxes assessed in 1868, \$310,626; per cent of income and salary taxes to total assessed taxes in 1867, 10; in 1868, 4.8.

the special tax upon the receipts of railroad, telegraph and insurance companies. The occupation tax embraced a widening range of vocations as time went on, and especially after the discontinuance of the income tax in 1870. It is interesting to note that in 1866 an *ad valorem* tax on money loaned and on merchandise higher than the general *ad valorem* tax was levied under the guise of an occupation tax. This feature, which was observable in antebellum taxation and represented a spirit of hostility to money lenders and merchants, does not reappear in subsequent acts. The occupation taxes were frequently changed, and those upon the retail liquor business particularly showed violent fluctuations. There were defects in the laws levying them and laxity of administration, especially in the matter of light penalties for non-payment and of the absence of checks upon collections.<sup>1</sup>

This period is important in the history of corporation taxation by the state for the attempt to make use of special corporation taxes. Until 1870, the method of taxing corporations was by the property tax and the income tax. In 1870, there was levied, in addition to the general property tax, an annual tax of 2 per cent upon the gross receipts of railroad, insurance, and telegraph companies.<sup>2</sup> In 1871, this was changed, and railroad and telegraph companies became subject to a tax of 1 per cent upon net receipts, life insurance companies to an annual occupation tax of \$500, fire and marine insurance companies to one of \$250. A few days later a tax of 1 per cent upon gross receipts was substituted for the 2 per cent tax upon net receipts. This combined use of the property and the receipts tax was thought to operate unfairly upon railroads as compared with telegraph companies because of the greater amount of tangible property owned by the railroads, and an increase in the tax upon telegraph companies to 5 per cent of their gross receipts was suggested.<sup>3</sup> The legislature, however, passed a bill which relieved railroads of taxation by the property tax, but it was vetoed by the governor on the ground that since the counties were not allowed to tax the receipts of railroads, fairness required that the

<sup>1</sup>Comptroller's Report, 1874, p. 56.

<sup>2</sup>Gammel, *Laws of Texas*, VI, 373, 390.

<sup>3</sup>Message of Governor Davis, April 24, 1871. House Journal, 12th Legislature, Second Session, p. 1198.

*ad valorem* tax should not be remitted.<sup>1</sup> The result of this difference of opinion between the governor and the legislature was the repeal of the receipts tax, leaving only the *ad valorem* property tax applicable.<sup>2</sup> Corporations got off with comparatively light taxation, and for the first time in the state's tax history there appeared complaints of the working of the property tax as applied to corporations.<sup>3</sup>

A poll tax of \$1 was levied throughout the Reconstruction period. Until 1871 it applied to all males over twenty-one years of age, thereafter to those only between twenty-one and sixty years, with the usual exceptions of Indians and persons *non compos mentis*. The tax of 1871 and thereafter was for the benefit of the public schools. The penalty for failure to pay this tax was that the person failing should not receive any money due him from the state or the county until the tax with interest had been paid. That there was considerable evasion of the tax may be inferred from the fact that whereas the census of 1870 reported the number of males of twenty-one years of age and upward at 169,258, the number assessed for the poll tax in 1869 was only 95,895.<sup>4</sup>

Next to taxation the chief source of receipts was the sale and hypothecation of bonds. The attempt was made during the Throckmorton administration to issue frontier defence bonds, but it was unsuccessful. Upon the establishment of the Davis administration, however, the issue and sale of bonds began. Receipts from sale and hypothecation during the four years 1871-4 amounted to \$1,406,650.60 as compared with \$3,900,766 derived from taxation.

Receipts from the sale of land were negligibly small on account of the policy of giving away the public domain to actual settlers. Heads of families without a homestead were entitled to one hundred and sixty, single men to eighty, acres. The conditions attached to the gift were three years' residence upon the land and payment of the land office fees. The convention of 1868 granted

<sup>1</sup>Message of Governor Davis, November 28, 1871. Senate Journal, 12th Legislature, Second Session, p. 466.

<sup>2</sup>Act of December 1, 1871. Gammel, *Laws of Texas*, VII, 57.

<sup>3</sup>Message of Governor Davis, January 14, 1873. House Journal, 13th Legislature, p. 20.

<sup>4</sup>Census of 1870, Vol. I; Comptroller's Report, 1870, p. 85.

to Texans who had served in the Union army a bounty of land which varied from eighty to three hundred and twenty acres per man. Previous to the constitution of 1869 and after the adoption of the constitutional amendment of 1873 grants also were made to railroads, and nine of the roads chartered during 1873 and 1874 received grants. School lands and certain other lands were reserved from location by settlers or railroads, but only a small amount of them were sold, and that during the early part of the period. One of the merits of the Reconstruction governments is that the school, university, and asylum lands were not suffered to be spoliated. No provision for their sale was really made until 1874.

#### SCHOOL FUND

At the beginning of this period the assets to the credit of the school fund were \$1,753,317 of 6 per cent railroad bonds, \$320,367.13 of 6 per cent state bonds, and \$19,474 in state warrants.

The amended constitution of 1866 reserved to the school fund its former endowments of securities and lands, but it did not provide, as had the old constitution, that a part of the annual revenue of the state derived from taxation should belong to the fund. As a result, the receipts during the five years 1866-1870 were from lands and railroad bonds only and were insignificant in amount. The constitution of 1869 made some important changes. Endowments theretofore made were confirmed, and all of the proceeds of the public domain, one-fourth of the annual revenue from taxation, and a poll tax of \$1 were granted. By the act of August 13, 1870, the present division of the school funds into a permanent fund and an available fund was made. Under the new tax provisions a total of \$1,053,625 was received by the available fund during the four years 1871-1874. Apportionment, which had been suspended since the war, was begun in 1872, the per capita varying between \$1.81 and \$1.95. As there was little local taxation to supplement the state apportioned funds, the school facilities afforded were meager, but any facilities at all represented a step forward. Such opposition as was expressed to taxation for schools was not against the state taxes but against the taxes which the county or school districts were empowered to levy. Most strongly protested was the 1 per cent *ad valorem* tax which the directors of

each school district could, by the act of April 17, 1871, levy for the purpose of building schoolhouses and maintaining schools.<sup>1</sup>

A question which came up for consideration during this period, and which was of great importance to the school fund, was the adjustment of the indebtedness of the railroad companies to the fund. The act of November 10, 1866, gave the companies the privilege of paying the interest past due in installments, the last payment to be made June 1, 1870. During 1867 and 1868, \$60,871.73 was paid. On March 1, 1868, the companies owed \$450,140.08 on account of accrued interest, and \$1,753,317 as principal, or a total of \$2,203,457.08.<sup>2</sup> The Reconstruction Convention of 1868-9 was disposed not to be lenient with the companies. It granted relief to the Houston and Texas Central, to which was joined the Washington County railroad, and to the Southern Pacific, but the Houston Tap and Brazoria and the Texas and New Orleans were ordered sold.<sup>3</sup> Relief was extended to all the roads by the act of August 13, 1870, permitting payment every six months of interest and in addition 1 per cent toward a sinking fund. The only road sold for failure to accept these provisions was the Houston Tap and Brazoria. The amount obtained from this sale was \$130,000.<sup>4</sup> The Houston and Texas Central and the Southern Pacific were permitted to exchange for their indebtedness new 7 per cent bonds, and the Central was further favored by having credit allowed it for the sums paid for interest in treasury warrants during 1864 and 1865.<sup>5</sup> The validity of the payments of state warrants during the war was subsequently contested, however, but settled in favor of the railroads. Interest payments were resumed by the companies in 1871, but the experience with them was responsible for the constitutional provision that future investments of the school fund should be in United States bonds.

In 1868, \$82,168.82 in 5 per cent state bonds appeared among the assets of the permanent school fund. These bonds replaced

<sup>1</sup>Proceedings of the Tax-payers' Convention, Austin, 1871, pp. 17, 22 and 27; Kinney v. Zimpleman, 36 Tex., 554. See also Clegg v. the State, 42 Tex., 605.

<sup>2</sup>Comptroller's Report, 1868-9.

<sup>3</sup>Gammel, *Laws of Texas*, VI, 58, 89, 47 and 48.

<sup>4</sup>Comptroller's Report, 1871.

<sup>5</sup>Gammel, *Laws of Texas*, VI, 58, 89 and 325.

that amount of cash which was derived from the payment of United States bonds belonging to the fund and which had been used by the state government. They were regarded as a valid debt of the state, but no interest was paid on them. The 6 per cent bonds for \$320,367.13 which were executed to the fund during the war in funding state treasury warrants received from railroads in payment of the interest and principal of their indebtedness, were not recognized as a valid debt during this period.<sup>1</sup>

#### UNIVERSITY FUND

The university fund had been depleted of its assets by the legislation of 1860 and was possessed of nothing at the beginning of this period except some state warrants and a comptroller's certificate of indebtedness, both of which were of doubtful validity.

The constitution of 1866 reserved to university purposes the previous grants, but the constitution of 1869 made no reference whatever to the subject. The act of November 12, 1866, provided for the issue to the fund of \$134,472.26 of 5 per cent state bonds to replace the United States bonds and interest on same which were appropriated in 1860. No interest was paid on this debt, however, during this period. Measures were passed in 1870 and 1871 authorizing the sale of the university lands, but they were vetoed by Governor Davis on the ground that there existed no necessity for sacrificing these lands.<sup>2</sup> The act of April 8, 1874, provided for the sale of the lands, however, and the receipts under this act are the only ones accruing to the fund from any source during the Reconstruction period.

#### AGRICULTURAL AND MECHANICAL COLLEGE

By the act of Congress of 1862 and the supplementary act of 1866, Texas received from the United States land scrip for 180,000 acres for the purpose of establishing an agricultural and mechanical college. This scrip was sold in 1871 at 87 cents an acre, the amount realized being \$156,600. This was quite as well as other states did in the sale of their scrip, but representing as it did some

<sup>1</sup>Message of Governor Davis, August 6, 1870.

<sup>2</sup>Veto message of May 29, 1871.

of the best land of the national domain, it was unfortunate that it could not have been held for sale till a later date.<sup>1</sup> The proceeds were invested in \$174,000 7 per cent frontier defence bonds of the state and in \$12,000 10 per cent bonds of Brazos county; \$12,000 of the proceeds were drawn under the pretence that it was necessary to purchase the lands required for the location of the college, but the money was loaned and the comptroller held unpaid notes for it; \$21,096 also was expended for a worthless foundation for the main building.<sup>2</sup>

#### PUBLIC DEBT

The amended constitution of 1866 limited the debt that could be contracted by the legislature to \$100,000, except in case of war, to repel invasion, or suppress insurrection. And the convention of 1866, in conformity with the fourteenth amendment to the constitution of the United States, declared the debt created in aid of the war null and void, and the civil debt contracted between January 28, 1861, and August 5, 1865, except warrants issued in payment of services, or liabilities incurred, before January 28, 1861, also was nullified.<sup>3</sup> The arguments advanced in support of repudiating the civil debt were: first, that it consisted largely of treasury warrants which had been issued with the intention of their circulation as money, and were therefore in violation of article VII, section 8 of the amended constitution of 1861; second, that the assumption of this debt would bankrupt the state; third, that the warrants were in the hands of domestic speculators who had evaded military service during the war; and, fourth, that a large amount of the debt had been contracted for the persecution of Union sympathizers.<sup>4</sup> Opposing arguments were based on the injustice to those who had furnished their services and goods to the state institutions and civil departments and on the effect the repudiation would have on the credit of the state.<sup>5</sup>

<sup>1</sup>The San Antonio Daily Herald, April 14, 1871.

<sup>2</sup>House Journal, 14th Legislature, p. 119.

<sup>3</sup>Gammel, *Laws of Texas*, V, 887, 900.

<sup>4</sup>Ramsdell, *Reconstruction in Texas*, 102.

<sup>5</sup>Convention Journal, 1866, p. 117; House Journal, 11th Legislature, p. 193.

The Throckmorton administration of 1866 authorized the issue of \$500,000 8 per cent frontier defence bonds, and created an auditorial board. None of the frontier bonds were issued, but pursuant to the convention ordinance of April 2, 1866, providing for the issue of 5 per cent bonds to take the place of the United States bonds and interest coupons transferred from the university fund in 1860 and those appropriated since the close of the war belonging to the common school fund, \$134,472.26 of 5 per cent state bonds were issued to the university fund and \$82,168.82 to the school fund.<sup>1</sup>

The auditorial board of 1866, up to the time of the close of its work, estimated the valid debt of the state at \$332,436.90, but of this amount it had audited only \$149,145.34. Of this latter amount \$6894.24 had been issued since the close of the war. The board issued \$125,000 6 per cent bonds, known as the Throckmorton bonds, to take up a part of the audited debt, the balance, or \$24,045.34, being represented by certificates of debt. This determination of the debt was not regarded as a full statement and, besides, was not thought to adhere to the requirements of the constitution.<sup>2</sup>

The constitution of 1869 is unique among Texas constitutions for the absence of any limit to the debt-creating power of the legislature. It said simply that upon the creation of state debt, adequate means for the payment of the current interest and a 2 per cent sinking fund should be provided. This constitution also contained the provision which pronounced the war debt, military and civil, void, and went a step beyond the ordinance of 1866 with the provision that "all unpaid balances, whether of salary, per diem, or monthly allowances, due to employes of the state, who were in the service thereof on the said 28th day of January, 1861, civil or military, and who gave their aid, countenance or support to the rebellion then inaugurated against the government of the United States," were forfeited, and all the 10 per cent interest warrants issued during the war for non-interest warrants were declared paid and discharged. The repudiation of the civil debt in 1866 and this additional repudiation by the constitution of 1869 were

<sup>1</sup>Gammel, *Laws of Texas*, V, 1126; Comptroller's Report, 1870.

<sup>2</sup>Comptroller's Report, 1868-9, p. 1; Comptroller's Report, 1870, p. 8.

not enjoined by national law and they can not be justified by any moral sense.

A bill was introduced in the called session of the twelfth legislature in 1870 to audit and ascertain the public debt, but it was not passed until the eve of adjournment and did not receive the signature of the governor.<sup>1</sup> At the regular session, however, a similar measure was passed and became a law.<sup>2</sup> The auditorial board created by it reported under date of September 1, 1871.<sup>3</sup> It stated that it had been unable to find any error in the auditing by the board of 1866, with the exception of \$10,283.13 allowed as interest on non-interest warrants. In regard to the unpaid balances due on January 28, 1861, and the 10 per cent interest warrants exchanged during the war for non-interest warrants, the validity of which was interdicted by the constitution of 1869, the board said that the former character of claims would not exceed \$10,000, that the warrants exchanged amounted to \$78,466.51, and that the board of 1866 had funded \$40,000 of these claims in 6 per cent bonds. The new board further stated that the holders of these bonds refused to submit them for cancellation. On account of the higher interest (10 per cent) which the valid portion of the claims would bear if re-audited as compared with the 6 per cent interest which the bonds bore, it was estimated that the state would save only about \$25,000 by repudiating the claims. In view of these circumstances, the board recommended that the action of the board of 1866 be confirmed, and this was adopted by the act of November 13, 1871.<sup>4</sup> As a result of the action of the two auditorial boards a total debt of \$251,047.84 was recognized.<sup>5</sup> While a small portion of this amount,—the records do not disclose how much,—was incurred after the close of the war, it may be regarded as the pre-Reconstruction debt due individuals.

The beginning of the Reconstruction debt proper was in 1870. By the act of August 5, 1870, the issue of \$750,000 of 7 per cent gold bonds, redeemable after twenty years and payable after forty

<sup>1</sup>Comptroller's Report, 1870, 10.

<sup>2</sup>Act of May 2, 1871, Gammel, *Laws of Texas*, VI, 969.

<sup>3</sup>House Journal, 12th Legislature, Second Session, p. 66.

<sup>4</sup>Gammel, *Laws of Texas*, VII, 27.

<sup>5</sup>Comptroller's Report, 1874, p. 77.

years, was authorized to meet the appropriations made for maintaining ranging companies on the frontier.<sup>1</sup> Authority was given also to levy a tax sufficient to pay the interest and provide a sinking fund for the bonds, and the governor was empowered to sell or hypothecate the issues at the best price obtainable, the commission on sale, however, being restricted to not more than 1 per cent. The governor and the comptroller and treasurer were at loggerheads for a time, the latter officers declining to give their signatures to the engraver on the ground that it would place the credit of the state in the engraver's hands.<sup>2</sup> Only three hundred and fifty of the bonds were sold during this period and these in the year 1871 and at an average price of 89.4. The gross amount received was \$313,200, which, after deducting commissions, left a net amount of \$312,200.<sup>3</sup> Of the three hundred and fifty sold, one hundred and seventy-four were exchanged for cash held in the Agricultural and Mechanical College fund, leaving only one hundred and seventy-six disposed of to outsiders. These circumstances attest a difficulty of sale due to lack of faith in the state's credit. The interest on these bonds was met and a sinking fund was established. The sinking fund, however, was not invested in United States bonds, but was used to retire the frontier defence bonds, and up to August 31, 1874, \$53,000 of these bonds had been redeemed.

Beginning with the fiscal year 1870 there were annual deficiencies in the current revenue, and bond sales were resorted to for the purpose of making ends meet. In May, 1871, \$400,000 10 per cent bonds, redeemable in lawful currency of the United States after two years and payable after five years, were authorized to cover the deficiencies of 1871 and 1872, and in December, 1871, an issue of \$2,000,000 7 per cent, twenty year bonds, were authorized for deficiency purposes. There were no restrictions as to the price at which these bonds should be sold, and in the case of the December issue no limit as to the commission that might be paid for sale.<sup>4</sup> In May, 1873, \$500,000 10 per cent bonds, redeemable after three

<sup>1</sup>Gammel, *Laws of Texas*, VI, 219. These are known as the frontier defence bonds.

<sup>2</sup>The San Antonio Daily Herald, September 7, 1870.

<sup>3</sup>Statement of the Comptroller. House Journal, 16th Legislature, First Session, p. 79.

<sup>4</sup>Gammel, *Laws of Texas*, VI, 1008; VII, 65.

years and payable after ten years, were authorized for the purpose of funding state warrants.<sup>1</sup> There were sold in 1871 and 1872 two hundred and fifty-two of the deficiency bonds authorized by the act of May 2, 1871. At an average price of 93.5 they yielded gross \$235,870.74, but with commissions deducted the net amount received was \$229,375.94, and \$156,433.47 of this amount was received in state warrants.<sup>2</sup> None of the deficiency bonds authorized by the act of December 2, 1871, were sold, and only \$89,800 of the 10 per cent funding bonds were issued up to August 31, 1874. In addition to bonds sold, three hundred and fifty of the frontier defence and one hundred of the deficiency bonds were hypothecated with Williams and Guion of New York for \$327,-074.70.

Excluding \$650,000 of debt authorized by the act of March 4, 1874, because it represents a measure of the administration which succeeded the Reconstruction, there was added to the funded debt of the state up to August 31, 1874, a gross amount of \$900,900. There was redeemed during the period \$57,100 of debt, so that the net addition was \$843,800. There was besides a floating debt of \$1,568,826.31, making a total debt contracted before January 14, 1874, or the date when the democratic administration succeeded the radical, of \$2,412,626.31. There was also the debt due the school and university funds which was classed as of doubtful validity and which amounted to \$809,311.67. The sum of the recognized and the doubtful debt is \$3,221,937.98. Deducting \$950,321.88,—which is the sum of the debt ascertained by the auditorial boards of 1866 and 1871 (\$251,047.84), the debt of doubtful validity with accrued interest due the university fund, and the indebtedness to the school fund under the act of November 15, 1864,—as the amount of pre-reconstruction debt, there remains \$2,271,606.10. This latter amount is the debt imputable to Reconstruction. The portion of this which was incurred during the Davis administration is approximately \$2,172,262.21.

The debt policy of the reconstructionists is open to sharp criticism. The issue of bonds to meet deficiencies in the revenue when caused by extravagance in expenditures is illegitimate financiering

<sup>1</sup>Gammel, *Laws of Texas*, VII, 571.

<sup>2</sup>House Journal, 16th Legislature, First Session, p. 79.

and is to be wholly condemned. The funded debt also existed in five different shapes and was issued under as many different statutes. A debt issued under more uniform provisions would probably have been more inviting to capitalists. Considering, however, the character of the state government at this time and the doubtfulness of state credit generally, the prices at which the bonds were sold were fair.

The result of the large floating debt was injustice to creditors, an added cost to the state for supplies purchased, and collusion between officials and creditors in the payment of warrants.<sup>1</sup> The discount on warrants was as much as 50 per cent, and the spectacle was presented of men and boys employed by merchants to stand in the treasurer's office from morning until night to watch for deposits.<sup>2</sup> Suggestions were made for paying warrants according to their date or number, and for making them receivable at the treasury in discharge of debts due the state, but neither of these was adopted, though the former would seem to have been desirable. As soon as the new administration came into power the payment of warrants dated before January 15, 1874, was temporarily arrested, but they were allowed 8 per cent interest from date of registration with the comptroller.<sup>3</sup>

But for the chance obstinacy of the comptroller and the opposition of the governor, Texas would have issued from the Reconstruction period saddled with a heavy debt representing subsidies to railroads. The state was under moral obligation to the International Railroad Company to adjust its claim to a subsidy, because construction of the road had begun and the company had otherwise met the conditions of the chartering act. The blocking of the will of the legislature and of the governor in this matter by the comptroller, while his action redounded to the welfare of the state, was, to put it mildly, extraordinarily presumptuous. In the

<sup>1</sup>Message of Governor Coke, February 10, 1874. Warrants outstanding on the general revenue fund amounted on August 31, 1872, to \$544,745.24; on August 31, 1873, to \$679,404.83; on August 31, 1874, to \$628,370.23, and warrants outstanding on the school fund at the latter date amounted to \$104,577.74.

<sup>2</sup>House Journal, 12th Legislature, Second Session, p. 435; message of Governor Davis, January 14, 1873; message of Governor Coke, February 10, 1874.

<sup>3</sup>Act of March 7, 1874. Gammel, *Laws of Texas*, VIII, 241.

adjustment of the matter a very respectable element favored a subsidy and thought that this kind of aid generally would be the most effective in securing railroads. The cost, however, which this policy would have involved would have been beyond the ability of the state, and the grant of land and exemption from taxation for twenty-five years to the International company and land grants to other companies is to be regarded as a wise solution of the vexed question.

#### CONCLUSION

The salient features of the Reconstruction financial period of Texas history are the large growth of expenditures, the great increase in taxation, and the rapid accumulation of a comparatively heavy debt. The finances do not indicate the rule, however, of such venal and pillaging adventurers as infested other southern states with carpet-bag governments. At the same time there was more open abuse of public trust than at any other period of the state's history. An adjutant-general was guilty of defalcation of about \$30,000,<sup>1</sup> the funds of the treasury department were used for a time to abet private ends and its books fell into "reckless disorder,"<sup>2</sup> petty jobbery existed in supplying state institutions, and bribery was charged on high authority to have been instrumental in securing the subsidy to the International railroad.

<sup>1</sup>House Journal, 13th Legislature, p. 34.

<sup>2</sup>House Journal, 13th Legislature, p. 27.

## APPENDIX A

TABLE I.—STATEMENT OF WARRANTS DRAWN ON THE GENERAL REVENUE FUND<sup>1</sup>

	Oct. 13, 1865— June 30, 1866	Aug. 14, 1866— July 31, 1867 <sup>2</sup>	Year Ending Aug. 31, 1868	1869	1870	1871	1872	1873	1874
Executive Office.....	\$4,173		\$8,308	\$8,262	\$8,944	\$14,843	\$18,879	\$18,963	\$32,008
Manston and Grounds.....	3,454		3,077	26	9,513	1,543	3,798	2,288	2,143
State Department.....	5,241		5,780	4,875	7,591	9,586	10,385	12,522	10,445
Treasury Department.....	3,442		4,411	6,583	6,537	8,383	8,440	8,914	9,879
Comptroller's Department.....	11,018		16,145	18,071	23,192	23,436	25,644	26,638	41,821
Attorney General's Dept.....	1,185		3,564	4,516	4,516	8,572	9,487	7,350	9,621
General Land Office.....	8,245		27,301	29,958	38,118	48,475	46,936	66,676	74,530
Adjutant General's Office.....						8,213	12,209	8,502	8,589
Public Buildings and Grounds.....	5,068		1,849	2,805	17,775	37,498	7,168	2,465	11,240
Agricultural and Mechanical College.....					650	2,910	2,892	4,874	6,206
Public Health.....			15,263	121,596	31,472	25,638	12,007	34,474	5,623
State Penitentiary.....			107,478	121,421	96,544	225,601	246,519	275,814	46,286
Judiciary.....	36,149		1,541	2,442	1,825	11,840	1,767	1,857	364,597
Pensions.....								5,000	1,550
Interest on Public Debt.....									53,987
Debt Payment.....				620			75,961	34,289	46,350
Insane Asylum.....	10,416		16,952	20,153	15,191	34,135	46,281	58,077	81,398
Blind Asylum.....	589		6,502	7,667	6,500	15,791	19,306	15,332	40,026
Deaf and Dumb Asylum.....	15,500		10,375	11,375	11,587	17,317	13,333	19,750	30,493
Legislature.....	67,257 <sup>3</sup>		112,294	83,822	279,572	256,300	214,445	283,756	208,566
Department of Insurance, Etc.....							1,250	1,100	100
State Police and Militia.....						131,988	262,535	124,610	168,957
State Geologist.....								1,346	10,686
Immigration.....			8,492	9,406	7,675	15,000	48,212	19,398	13,953
Public Printing.....	27,105		877	12,860	20,262	26,549	37,482	33,092	55,292
Miscellaneous.....									74,138
Total.....	\$195,852		\$350,209	\$462,263 <sup>4</sup>	\$587,764 <sup>4</sup>	\$926,613 <sup>5</sup>	\$1,124,935 <sup>6</sup>	\$1,067,077 <sup>7</sup>	\$1,409,485

<sup>1</sup>The Comptroller's reports for the years given do not present a summary and classified table of warrants drawn as do the reports of the present day. It has been necessary, therefore, to compile this table, and in so doing errors have been unavoidable. In a number of cases the purpose for which the warrant was drawn was not stated specifically enough, to enable classification, except under the item miscellaneous. Typographical errors are numerous in the reports, for despite careful checking and the use of the adding machine, it has been found impossible to secure totals which agree with those given in the reports.

<sup>2</sup>Data lacking.

<sup>3</sup>This amount exceeds that given in the report by \$199.

<sup>4</sup>This amount is less than that given in the report by \$2,581.

<sup>5</sup>This amount exceeds that given in the report by \$28,742.

<sup>6</sup>This amount exceeds that given in the report by \$17.

<sup>7</sup>Includes warrants drawn for constitutional convention.

## APPENDIX A

TABLE II.—STATEMENT OF CASH EXPENDITURES

	1866	1867	1868	1869	1870	1871	1872	1873	1874
General Revenue Fund.....	\$196,415	\$473,160	\$350,209	\$371,107	\$590,305	\$578,161	\$941,214	\$938,761	\$1,248,979
School Fund.....			2,083	3,211	208	32,383	509,393	189,977	790,304
Convention Tax Fund.....				90,957		264,834	154,371	91,388	14,369
Frontier Defence Fund.....									
Interest and Sinking Fund of									
Frontier Defence Bonds.....						6,748	46,983	34,993	59,131
Debt Purchased out of Special									
Revenue Fund.....									
Miscellaneous Funds.....									
Warrants Received in the col-						4,280	664		396,431
lection of Revenue.....									
Total Expenditures, less Re-									
funds, Warrants received									
and Bookkeeping Items.....	\$233,089 <sup>1</sup>	\$474,299	\$352,052	\$464,960	\$652,023	\$886,487	\$1,639,856	\$1,252,726	\$2,595,645

<sup>1</sup>For the period October 31, 1865 to August 13, 1866.

**APPENDIX B**  
STATEMENT OF CLASSIFIED RECEIPTS

	Oct. 13, 1865— Aug. 13, 1866	Aug. 14, 1866— July 31, 1867	Aug. 31, 1868	1869	1870	1871	1872	1873	1874
Taxes.....	\$341,567	\$236,659	\$408,305	\$578,215	\$436,113	\$523,116	\$954,540	\$1,175,759	\$1,347,351
Interest.....		54,642	6,230	2,227	3,674	139,530	150,791	160,046	140,979
Land.....		337	1,241	6,156	6,922	9,478	19,355	28,272	1,477
Fees.....		4,736	5,290						41,919
Sale and Hypothecation of Bonds.....						264,834	447,814	151,503	542,500
Penitentiary.....				40,846	5,051	433		5,082	
Miscellaneous.....	144,045.4	15,076	550	4,327	16,396	10,669	41,869	2,396	32,725
Total.....	\$485,612	\$411,450	\$421,616	\$631,771	\$468,156	\$948,060	\$1,614,369	\$1,532,058	\$2,113,951
Refunds, Bookkeeping Items, and Warrants received in the Collection of Revenue.....	122,945	10,539	241	315	580	416	28,014	2,396	12,569
Total less Refunds,* etc.....	\$362,667	\$400,911	\$421,375	\$631,456	\$467,576	\$947,644	\$1,586,355	\$1,529,662	\$2,101,382

\*This amount was made up of \$79,917 derived from the sale of United States bonds and interest coupons; \$16,205 from the Military Board; \$38,533 from the sale of public property; and \$9,390 unclassified.

## THE CITY OF AUSTIN FROM 1839 TO 1865

ALEX. W. TERRELL

The ground on which the City of Austin is built was selected as the proper place for the Capital of the Republic of Texas in 1839, six years before annexation to the United States.

How it happened that the seat of government was thus located, what public houses were then built for the Republic, when and how they were erected, and other matters of public interest connected with the early history of Austin should be made known to this generation before a knowledge of them fades into vague tradition. Many events that illustrate the conditions that surrounded the settlers on the upper Colorado over seventy years ago were of deep interest to them, but have never been recorded on the elevated plane of general history.

When I moved to Austin fifty-eight years ago, nearly all of the pioneer citizens of Austin's Colony were living; many of them I knew, as I did also all the Presidents of the Republic and governors of the State except Anson Jones.

General Lamar, in the autumn of 1837 or 1838, weary with official duties, came to the upper Colorado on a buffalo hunt. He procured an escort of six rangers at the old fort that stood in Fort Prairie, six miles below where Austin now is. Among them were James O. Rice and Willis Avery, both of whom long afterwards became my clients. From them and from the Rev. Edward Fontaine (a great-grandson of Patrick Henry), then the Episcopal minister in Austin, who for years was my friend and neighbor, I learned what I am about to state regarding Lamar's buffalo hunt and other matters.

Jacob Harrell was then the only white frontier settler where Austin is located, and no white man lived on the waters of the Colorado above him. His cabin, and a stockade made of split logs to protect his horses from the Indians, were built at the mouth of Shoal Creek, near the river ford. There Lamar and Fontaine (who was his private secretary), and their ranger escort camped for the night, and were awakened next morning early by Jake Harrell's little son, who told them that the prairie was full

of buffalo. Lamar and his men were soon in the saddle, and after killing all the buffalo they wanted were assembled by a recall sounded by the bugler on the very hill where now stands the State Capitol building. Lamar, while looking from that hill on the valley covered with wild rye,—the mountains up the river, and the charming view to the south, remarked, "This should be the seat of future Empire." The night before Harrell had told Lamar that he had gone up the Colorado for thirty miles in the dark of the moon, when he could go with safety (for Indians always made their forays in the light of the moon),—that he had not found a valley as "big as a saddle blanket,"—that the mountains were covered with cedar, and that he had found in abundance "grindstone rocks" and "speckled rock that would strike fire."

General Lamar was a man of culture, and then knew that he was near an igneous or primary geological formation, which no one then believed existed in Texas. Mr. Fontaine thought the abundance of stone and wood for building, and the natural beauty of the location, which was at the northern limit of the alluvial valley of the Colorado, inspired the remark of General Lamar. Willis Avery, whose posterity still live in Texas, told me that Lamar killed on that hunt with his holster pistol near where the Avenue Hotel now stands the largest buffalo bull he ever saw.

When afterwards in 1839 Lamar was president he approved the Act of Congress of January 16, 1839, which provided for the appointment of Commissioners to select a site for the Capital. He appointed among them A. C. Horton, whom I knew well, and instructed them to go to Jake Harrell's cabin and look carefully at that location. Fontaine was present when the President talked to the Commissioners, and thought that Lamar's admiration of the ground near Harrell's cabin had much to do with the report of the Commissioners.<sup>1</sup>

A few cabins had been built on the river two and a half miles below Harrell's cabin, and they called the place "Montopolis."

The foregoing account of Lamar's remark on Capitol hill may seem to have the odor of romance; but there are still living in Austin a few persons who knew Mr. Fontaine. I never had cause to doubt his veracity. Both James O. Rice and Willis Avery verified to me all the incidents of the buffalo hunt, except Lamar's remark about "the seat of future Empire."

The site selected for the Capital extended below and above that place so as to include Harrell's cabin. Two or three other settlers had built their cabins in 1839 at the river ford near Harrell's and they called the place "Waterloo."

The Congress, mindful of the exalted character and patriotic service of Stephen F. Austin, provided, in Section 2 of the act to appoint Commissioners, as follows:

"Sec. 2. Be it further enacted that the name of said site shall be 'The City of Austin.'"

The first section of the act required that the site for the Capital "should be selected at some point between the rivers 'Trinidad and Colorado,'" and above the San Antonio road. That road was then a noted trail, which was often called for in the early prairie surveys of Travis and other counties. It started from a Mission Church in Louisiana and had been traveled for over a hundred years by Mission priests, led by an "Intendant," and protected by an escort of Spanish cavalry in their annual visitations of the Missions of San José, Concepción and San Juan near San Antonio,—then they visited the mission on the San Saba until after the priests there were massacred by the Indians. The annual visitations continued to the Missions at El Paso, on to the Gila River in Mexico and terminated at the Missions in California.<sup>1</sup> That old San Antonio trail crossed the Colorado eighteen miles below Austin before the town of Bastrop was built. After Bastrop was settled it crossed the Colorado at that point. Its location could be traced across Texas in many places as late as 1852.<sup>2</sup>

After selecting the ground for the Capital, the Commissioners surveyed one mile square, laying it off in blocks and lots between Shoal Creek and Waller Creek, and designated locations for the public buildings. Their report to Congress was made on April 13, 1839, and so rapidly was the work of building pushed

<sup>1</sup>When in 1858 or 1859 the title to the eight leagues of land granted by the King of Spain to San Antonio was tried before me as judge in San Antonio, the annual visitations of the Missions across the continent was revealed in the testimony. Navarro and Manchaca, then old men, remembered seeing the annual arrival of the priests.

<sup>2</sup>The early Spanish grants to land in Travis and Hays counties made before 1836 often called for the San Antonio road in the field notes. It crossed the Blanco at McGehee's Crossing.

that in October, 1839, houses for the accommodation of most of the various departments of government had been erected.

The United States Census of 1850, taken five years after annexation, gave for Austin a population of 629. Two years after that I first saw the city and then the population did not, I think, exceed 800. The slowness of its growth resulted not only from the fact that it was on the very border of the upper settlements and exposed at all times to Mexican invasions and Indian forays, but because of continued opposition from prominent public men, and from other sections of the Republic to the location. Commissioners had been appointed three times by as many sessions of Congress to locate a State Capital. The first Commission<sup>1</sup> was created under a resolution offered by Thos. J. Rusk, in October, 1837, then a man of great influence and afterwards a colleague of General Houston in the United States Senate. He was a member of the House from Eastern Texas, and his influence prevailed to incorporate in the first act to select a seat of government the provision that the place chosen should not be over twenty miles north of the San Antonio road. In this policy of going north of the San Antonio road, General Houston never concurred.<sup>2</sup> No mention was made of the San Antonio road in the joint resolution under which the second set of commissioners were appointed, though President Houston vetoed a bill which located the seat of government under the report of the Commissioners, on the Colorado River below La Grange, and Congress continued for a time at Houston. But the Act of January 14, 1839, approved by President Lamar, did provide for the location north of the San Antonio road, and shows that the influence of Eastern Texas, combined with the West, led by General Ed. Burleson and John Caldwell, was too strong for those who desired the seat of government to be established in Houston, or at old Washington, on the Brazos.

Edwin Waller, protected by a company of armed citizens, began in Austin the work of building houses for the use of the Republic of Texas in May, 1839; and though no lumber mill

<sup>1</sup>The Acts of Congress and action under them to select a seat of government have been carefully reviewed by Ernest William Winkler, A. M., in *THE QUARTERLY*, X, 185-245.

<sup>2</sup>House Journal, Second Congress, 38-39.

had been established to furnish plank, houses had been built by October, 1839, in which forty wagon loads of archives, books, paper and furniture of the Republic were stored.

It was a proud day for the citizens of Austin when on the 17th day of October, 1839, President Lamar and his cabinet reached there with a cavalcade, at the head of which was Albert Sidney Johnston and Col. Ed. Burleson. A bugler heralded their approach. That night they enjoyed in the Bullock Hotel (kept then by Mrs. Ebberly) a sumptuous repast. Mrs. Ebberly was a sister of Col. Bailey Peyton of Mexican War celebrity in 1846, and who represented General Jackson's district in Congress. Mrs. Ebberly became a great favorite with the early settlers of Austin on account of her heroic conduct when the effort was made to remove the archives.

At that supper many toasts were drunk, among them the following:

"Sam Houston and San Jacinto! They will be remembered as long as Texas possesses a single freeman."

"General Albert Sidney Johnston—a scholar, a soldier, and a gentleman; the highest qualities a man can possess."

"The memory of Stephen F. Austin; whatever may be the pretensions of others to the paternity of Texas, we recognize him alone as the father of this Republic."<sup>1</sup>

The houses were generally built of hewed logs, being double log houses, with a passage between. The plank for building was sawed near Bastrop. Pine logs were squared with a broadaxe and then placed on a scaffold. One man on the top of the log and another below, after lining the log, sawed the plank with a whip-saw. Mr. J. W. Darlington, now ninety years old, with mind and memory well preserved, assisted in hauling the plank to Austin. He now lives in Austin. All the public houses were covered with split boards, rived by hand with a froe. Instead of being nailed, they were at first weighted down and held in place by straight logs. After a time the houses were covered with shingles, which were nailed on. A double log house with a passage between was built in 1839 on the east side of Congress Avenue at its intersection with Eighth Street, on the southwest

<sup>1</sup>The full account of that banquet was published by our State Librarian, E. W. Winkler, in *THE QUARTERLY*, X, 185-245.

corner of Block 97, above the present Avenue Hotel, and retired about fifteen paces from Congress Avenue. There Lamar, Houston and Anson Jones, as Presidents, had their business office. There Houston received M. de Saligny, the Minister of France to Texas, and there Governors J. Pinckney Henderson, Wood, Bell and Pease had their offices until 1855. Governor Bell occupied it when I reached Austin in 1852.

The first Land Office stood in the rear of that house and was one and a half stories high. It remained there until after our Civil War, and in it Morgan C. Hamilton, who never married, had his bedroom and office in 1868. On the block where the Avenue Hotel now stands (Block 84) were three double log houses (on the east side of Congress Avenue) for the War Department and Adjutant General. In similar log houses the State Department was established on Lot 6 in Block 83 (on the west side of Congress Avenue, between Seventh and Eighth Streets), and the Navy Department on Lot 1 of the same block. The log houses built in 1839 were of post-oak logs that grew where Hyde Park now is.<sup>1</sup> They were there cut and not hewed, on account of danger from Indians, until they were hauled to places where they were to be used. There was a post-oak forest at Hyde Park. The Eberly (or Bullock) Hotel, across Sixth Street from the Scarbrough corner on Congress Avenue and on the southeast corner of Block 70, was built in 1839, the first story of hewed logs; the upper story of cottonwood plank, which in later years, about 1841, was removed, and the entire house weather-boarded with pine plank. The lot on which the old treasury building stood (Lot 4, Block 55) was sold by the State in 1853 to George Hancock, who, in 1856, sold the lumber in the house to Alex. Eanes, who used it in building a house on Sabine Street, between Seventeenth and Eighteenth. I know of no other remnant of buildings erected in 1839 except this house on Sabine Street. The house of the French Minister to the Republic, built afterwards with the gold of Louis Philippe, still remains on Robertson Hill.

The old Supreme Courthouse built in 1839 was erected south

<sup>1</sup>John Darlington, who still lives, hauled the logs from there. The stumps of the old trees could be seen when our mile race track was there before the Civil War.

of Pecan Street and east of Congress Avenue, on the lot now owned by the heirs of Mr. Baron.

The Temporary Capitol for the use of Congress was built on Lots 9, 10 and 11, in Block 98, very near the spot now occupied by the Austin City Hall. It fronted to the east and was but one story high. A broad hall extended east and west, behind which were the committee rooms. The Senate Chamber was in the north end and the Hall of the House in the south. I attended one session of the district court held in the Hall of Representatives in that old building in 1854.

The President's house was more pretentious, being a two-story frame house and built on Block 85, where now stands St. Mary's Academy. It fronted to the south and was afterwards burned.<sup>1</sup>

The first Austin sale of city lots (August 1, 1839) was made under a clump of live-oak trees, on the public square between Fifth and Fourth Streets (Pine and Cedar on original map), and between Blocks 45 and 46. The old trees still stand there, but commercial vandalism has been at work on them, for the tops have been mutilated for an electric or telephone wire. They stand on the north side of the public square, not over a hundred paces east of the residence of Mrs. A. J. Hamilton. George Durham's spring was near there. Mr. Darlington identified the spot.

The camp for the laborers who built the houses in 1839 was also near George Durham's spring at the intersection of Sixth and Nueces Streets.

For a short time emigrants came rapidly and built houses. The first store house was built by one Russell in the summer of 1839 at the corner of Congress Avenue and Sixth Street, where now stands the elegant eight-story building of Mr. Scarbrough. The house was a two-story frame, extending west about eighty feet; the studding, sills and joists were of hewed mountain cedar, and the plank for floors and weather-boarding were sawed with a whip-saw by hand. Russell sold the place to George Hancock, who, with Morgan Hamilton as his partner, sold dry goods and groceries there for several years, and then Hancock continued

<sup>1</sup>The studding in all the frame buildings was made of small post oak saplings hewed to a straight line on one side. The sills and joists were usually of white cedar from the mountains or post oak, hewed to a straight edge with the broadaxe.

business on his own account until the Civil War in 1861. After the war Hamilton was elected to the United States Senate. George Hancock retailed salt, bacon, whisky and other groceries on one side of his store, and calico and dry goods on the other side, as all merchants did in those days. In 1853, Hancock built a two-story brick house on West Sixth Street, joining his old frame building and on the ground now covered by the west end of the new Scarbrough building. After the Civil War he tore down the old frame house and extended the brick house to Congress Avenue.

In the upper story of that brick house (first built) the district court held a session in 1854. In 1861 a company of "Union men" called "home guards" drilled there in the manual of arms until a short time after Fort Sumter was assaulted. Then many of them crossed the Rio Grande. Amongst those whom I saw drilling in that upper story were Thos. H. Duval, United States District Judge; James H. Bell, one of the Judges of the Supreme Court of Texas; E. B. Turner, who after the war was appointed United States District Judge; John Hancock, afterwards a member of Congress; A. J. Hamilton, my law partner when I was elected district judge in 1857, and United States Congressman from Texas when the Civil War began; Morgan Hamilton, Wm. P. DeNormandie, ex-Governor E. M. Pease, Doctors Lane and Litten, John T. Allen, Buddington, and still others. Morgan Hamilton, George Hancock, E. M. Pease, Judge Bell, Dr. Litten and a few other Union men remained in Austin until the close of the Civil War; but their opposition to secession was not concealed, and that fact made their condition one of great disquiet during the war.

Governor A. J. Hamilton was in the prime of manhood when the Civil War began in 1861. He was a man of great eloquence. Now that he is dead and the feelings, engendered by the war, which once alienated us no longer exist, I here record my admiration of his exalted patriotism and devotion to duty—as he understood it.

The Hancock corner (now the Scarbrough corner), at the intersection of Congress Avenue and Sixth Street, has always been a favorite resort. There the lawyers of Austin would meet before the Civil War on horseback in the afternoons of July and August

and ride to Barton's Creek for a cool bath, for then we had no ice, telegraphs, telephones, barbed wire fences, or modern conveniences, and a cool bath was a great luxury. All of those lawyers are now dead except myself, James Smith, W. M. Walton, and many of them,—John Marshall, Ben Carter, Dick Browning, General Wm. R. Scurry, and still others, died on some battlefield.

On that old Hancock corner George Hancock planted a tall flagpole in 1860, and floated from it the United States flag until Fort Sumter was assaulted in 1861, when he was compelled to take down his flag. When the first United States troops entered Austin after the Civil War on the 25th of July, 1865, they halted at that flagpole, for Hancock had again hoisted his flag, and the troops called on him for a speech. He was no speaker, but a man of fine common sense, and George W. Paschal and E. B. Turner did the speaking. I was not present, but Frank Brown and Major Wm. M. Walton were there.

On Lot 4 in Block 55, about sixty feet below the old Hancock store, which stood on the corner of the Avenue and Sixth Street, a large one-story frame structure was built to serve as an office for the treasurer and comptroller. The building was retired some fifteen paces from the street; it had a broad hall running east and west. In it was also the Auditor's office, where the debt of the Republic was scaled, which gave great offense to the creditors. Thomas J. Jennings, Attorney General of the State, had his office there after the new Treasury building was constructed in 1853. That new structure was built of sawed white stone, and stood northeast of the present State Capitol within the Capitol enclosure.<sup>1</sup>

Judge W. S. Oldham, Walton and Bledsoe, Thomas E. Sneed, A. J. Hamilton, Ben Carter and myself had our law offices in the old Treasury building below Hancock's store in 1855. There were in 1852 over sixty names of attorneys on the attorneys' roll of the Austin Bar. James Smith, who had just come to the bar

<sup>1</sup>When in Jerusalem in 1895 I noticed that the stone in the quarry under the city from which Solomon obtained the stone for the Temple was identical with that used in that Treasury building in Austin, and that the broad leaf prickly pear was abundant just outside of the walls to the right of the Jaffa Gate. I thought then of Texas and that since the Savior had selected such a place as Jerusalem to teach and suffer in, even here in Texas one might indulge hope for the future.

in 1852 and myself, alone survive. Major Wm. M. Walton, who still lives, came to Austin in 1853.

The yard in front of the old frame Treasury building was always a favorite resort on summer afternoons. There Lamar, Houston and Anson Jones, as Presidents, and after them J. Pinckney Henderson, Wood, and Bell as Governors, would meet the Treasurer and heads of departments and receive pay for public service, sometimes in "Red Backs" and "Star Money," which fluctuated in value with the fortunes of the Republic. It was at one time so depreciated that it required ten dollars of paper to purchase a Mexican silver dollar. To that old Treasury building also came the Ranger Captains of the frontier,—the two McCullochs, Andy Walker, Add Gillespie, Jim Rice, Jack Hays, Colonel Moore, Burleson, Dick Scurry and others,—to receive their pay, to speak of their scouts and Indian fights, and to discuss the outlook for Texas.

Adjoining the old Hancock store on Congress Avenue and Sixth Street was a small one-story house, where Chief Justice John Hemphill lived until 1853. He never married, but the domestic economy was looked after by old Sabina, his African slave. In 1853 he moved to a larger house just south of the present Catholic Church, where he lived until he was elected to the United States Senate before the Civil War. Just below his small house on Congress Avenue stood the old Treasury and Comptroller's office above referred to.

The records of the General Land Office were moved in 1852 to a new two-story stone house that stood just north of the west end of our present Capitol building. In the upper story of that house the Supreme Court held its sessions for many years, and the Land Office remained there until about 1856, when the new Land Office was finished, where it now stands.

On the original map of the city the west half of Block 170, where the Land Office now stands, was designated for the "President's House." Governor E. M. Pease, in 1855, thought the ground where the Executive Mansion now stands, was a better place and had the Governor's Mansion built there. The half blocks joining the Capitol square on the west and marked "Attorney General," and "General Land Office" were never built on for department use.

General Albert Sidney Johnston while paymaster in the United States Army, lived on Block 135, fronting the Capitol square on the west. That house was built in 1850 by Dr. Haynie, and was moved to the east end of block by its owner, Mr. Andrews. On the ground where it first stood is now the residence of Mr. Ernest Nalle.

I knew General Johnston; he had once been Commander-in-Chief of the Army of the Republic of Texas, and was respected and beloved by all the old settlers. The only storehouses now standing on Congress Avenue that were built before the Civil War are a three-story house built by Geo. Sampson at the intersection of Congress Avenue and Seventh Street, erected in 1858, and the Lamar Moore house, built in 1850, on the corner of Seventh Street, fronting the Avenue. The United States District Court held its sessions in the Sampson house before the Civil War.

From 1836 to 1846 the unequal contest with Mexico and the hostile Indians on the frontier was appalling. There were less than 6000 fighting men in all Texas in 1836 when San Jacinto was fought.<sup>1</sup> Mexico contained a population of over 8,000,000. General Lamar afterwards in his message to Congress in 1839 estimated the entire population of the Republic at 100,000, or less than 20,000 men.

General Houston was a member of the first Congress that met in Austin and did not conceal his objection to the Capital remaining there; though after his election the second time as President he stayed in Austin with the heads of Department until after San Antonio was captured in March, 1842.

The invasion by the Mexicans under Flores occurred in the spring of 1839, while the public buildings in Austin were being built. He crossed the Colorado a few miles above town with ammunition for the Cherokee Indians, but was intercepted by citizen soldiers under James O. Rice on the North Fork of the Gabriel and defeated,—his soldiers scattered and he killed.

About the same time the Coleman family were massacred eighteen miles below Austin, and from then until 1844 massacres by Indians were frequent. Black and Dolson were killed on

<sup>1</sup>Judge John H. Reagan estimated at less than 6000, the number of Texas men in 1836.

Barton's Creek near the spring; Baker and Sauls were killed south of the river near Austin, while hunting. James was killed just north of the town. Simpson was killed one mile below town and one White was killed near the present lunatic asylum, one and a half miles northwest of town.<sup>1</sup> Jake Burleson was killed some distance northeast of town.<sup>2</sup> Under such conditions Austin could not grow, for there were only a few scattered settlements north or northwest of Austin until after annexation to the United States in 1845.

In 1842 there was not a house between Austin and San Antonio.<sup>3</sup> In March of that year San Antonio was captured by the Mexicans, and again in the autumn. The district judge who was holding court was taken prisoner, and he, with the lawyers and principal citizens, were handcuffed and marched on foot as prisoners into Mexico. Among the prisoners were Maverick, Colquhoun and John Twohig, all of whom I knew. About the same time occurred the Dawson massacre near San Antonio, in which nearly forty Texans were killed.

President Houston then called a session of Congress to meet in Washington on the Brazos. It deliberated there, and afterwards in Houston in regular and called sessions, from 1842 to 1845, without access to the former archives of the government which were detained in defiance of President Houston by the citizens of Austin; for to surrender them they thought would result in an abandonment of the frontier. So intense was the feeling among the settlers on the upper Colorado that an effort to move the archives would have resulted in civil war. This President Houston knew. He therefore sent Capt. Thos. Smith with wagons to secretly move the archives to Washington on the Brazos. It transpired afterwards that Col. Thos. Wm. Ward, Commissioner of the General Land Office, was the only one in Austin who was in the confidence of President Houston. Smith reached Austin at midnight, December 30, 1842, with his escort and wagons and was first discovered by Mrs. Ebberly (afterwards Mrs. Bullock),

<sup>1</sup>White's four daughters married Seiders, Enoch Johnson, Greenleaf Fisk (after whom Fiskville was named), Enoch Martin and one Thompson.

<sup>2</sup>He was a brother of General Burleson. His son Jacob was born after his father was killed, and was a lieutenant in my regiment during the Civil war. He is now an inmate of the Confederate Home in Austin.

<sup>3</sup>Darlington went with troops under General Ed. Burleson over the trail in 1842 and he says that there was not a house on it.

while he was loading his wagons in the alley west of the old Hancock store. She was near, for she kept the hotel just across the street where now stands the three-story building which belongs to Capt. Joseph Nalle. To arouse the citizens, she went quickly to where a six-pound cannon loaded with grape stood in Congress Avenue, and aiming it at the Land Office where other wagons were being loaded with archives, fired it. Several of the shot struck the building.<sup>1</sup> Captain Smith retreated hastily with his wagons but was overtaken early next morning by the infuriated citizens with the cannon, who were commanded by Mark Lewis. The archives were recaptured and brought back.<sup>2</sup> Many of the citizens wished to hang Colonel Ward, the Land Commissioner, though he had lost a leg in 1835 at the storming of Bexar and an arm while firing a cannon on San Jacinto day.

The archives, after their return, were sealed up in tin boxes and placed in the custody of Mrs. Ebberly. After that they were kept for some time under guard in an old log store house on Congress Avenue. The citizens of Austin and the settlers on the upper Colorado would not permit the government to remove the archives to Washington or Houston, where Congress was in session, or for Ward to keep the records of the Land Office. The archives of the Land Office, after being guarded by citizens for a few months, were buried in the ground, as a precaution against future raids, either by Mexicans or people from other sections of the State. They were not restored to lawful custody until January 1, 1844.

General Houston in his message to Congress in January, 1844, justified his action, and referred to the lawless conduct of Austin people with much severity. He stated in that message that they had said they would give up the archives if they could get hold of the President!

In the backyard of the old Bullock Hotel, on the northwest corner of Sixth Street and the Avenue (once kept by Mrs. Ebberly, and afterwards in 1852 called the Swisher House), was the last joint discussion, one hot August afternoon, over secession, before

<sup>1</sup>This incident I had from James O. Rice and Steele Mathews, now dead, as nearly all are now dead who then lived in Austin, and also from Frank Brown, who still lives in Austin.

<sup>2</sup>Mark Lewis and two other men were afterwards killed in a fight on election day on Sixth Street in a house that stood where the State National Bank now is.

the War. Judge Jas. H. Bell and E. B. Turner spoke against secession, and Geo. Flournoy, Attorney General, for it. In November, 1860, General Houston, then Governor, made the last plea for the Union to a great audience in the open air just north of the old Baptist Church, which stands fronting the Executive Mansion. He spoke from an elevated platform on the north side of the church; with prophetic eloquence he mapped out the struggle before the South, and predicted our defeat with the causes that would lead to it. He spoke with fervid eloquence for nearly two hours. He was even then the finest-looking man I ever saw. Six feet two inches high, with majestic bearing, and fine voice, he thrilled the vast audience with his impressive speech. I knew him well, being the district judge in Austin in 1860 and 1861, while he was Governor. He and Mrs. Houston were members of the same Baptist Church to which my wife belonged, and at her sick bedside partook with her of her last sacrament in 1860.

It is difficult for this generation to understand the wonderful self-reliance of the pioneer settlers of Austin, under the difficulties that confronted them. Men are largely the result of their environments; those men grew up on the frontier of civilization and were inured to its dangers. We will not see their like again. General Houston once said to me that he had absolute confidence in his men at San Jacinto, and, though the Mexicans outnumbered them two to one, he never for a moment doubted the result of the battle.

I am tempted to relate an incident that occurred on Robertson Hill within the limits of Austin in 1843, which will illustrate the character of Austin's colonists. Reuben Hornsby lived six miles below the town and sent his three boys to look for his loose horses, fearing an Indian raid, for it was the light of the moon. From the top of Robertson Hill they saw several Indians on horseback coming up directly toward them and whipping before them with their unstrung bow strings a dwarf tailor named Coleman, whom they had caught while he was fishing in the river. Coleman was on foot, with hands tied behind him. The Hornsby boys were concealed from view in the post-oak thicket, and had but one pistol. One of them proposed to fire the pistol, dash out of the brush with a whoop and give Coleman a chance to escape, saying "They'll think we are rangers."

This was done, the Indians fled and Coleman escaped. Froissart in the days of old never recorded a more chivalrous act.

It was said in 1843 during the archive troubles that but five women remained at one time in Austin.<sup>1</sup> But enough men remained, backed by the settlers on the upper Colorado, to successfully defy the rest of the Republic, and keep the archives.

After the Mexican War of 1846 the United States established for several years the headquarters of the military department in Austin. But few troops were ever kept there, for they were posted at the forts on the frontier built by the United States. The United States Arsenal was where a public schoolhouse now stands on the block marked "Armory," it being the southeast corner block of the original town.

One of the old landmarks was the "Harney cottage." General Harney of the United States army in 1847, after Texas was annexed to the United States, built a residence on a large outlot which embraced the ground covered now by the residences of Mr. Scarbrough, the Driskill residence, Grace Hall, and Bishop Kinsolving. A long row of stables extended east from Harney's residence to about where Grace Hall now is. There Robert E. Lee, Joseph E. Johnston, Albert Sidney Johnston, Generals Walker and Hood (then captains) stabled their horses, when they lodged with Harney, for all of them served on the Texas frontier after the war of 1846. After 1850 the headquarters were removed to San Antonio. As late as 1852 there was not a house between the Harney cottage and where our Capitol building stands and but four residences between the Harney cottage and Georgetown, viz., Enoch Johnson, Nelson Merrill, McKinzie, and a house at the crossing of the creek where old Round Rock was built.

On the ground just in the rear of the present city hall, President Anson Jones delivered in front of the Old Capitol his last address. He closed it with the remark, "The Republic of Texas is no more" and, lowering the flag of Texas, hoisted that of the United States. Then Governor J. Pinckney Henderson delivered his inaugural address. Captain James G. Swisher and Morgan Hamilton both told me that the hillside was covered with people, and that many a strong man wept to see the Lone Star flag go

<sup>1</sup>Darlington now states it, and I heard it from other old settlers.

down. They had sustained that flag for ten years on many a battlefield, and dreaded a future conflict over African slavery in the United States; for war clouds were even then gathering.

The country now covered with farms will never again look as beautiful as it then was. The prairies were clothed with waving grass hip high, and abounded with deer and antelope. It was a hunter's paradise until 1857, when a disease called "black tongue" almost destroyed the deer.

I am quite aware that much of the foregoing will be deemed unimportant, but sometimes the sidelights of history reveal conditions of a past era that serve to interest the antiquary, even when destitute of historic value.

THE LAST HOPE OF THE CONFEDERACY—JOHN TYLER  
TO THE GOVERNOR AND AUTHORITIES OF TEXAS

WITH AN INTRODUCTION BY CHARLES W. RAMSDELL

In the last days of the summer of 1863 Major John Tyler, son of an ex-President of the United States, and at that time an aid on the staff of General Sterling Price, C. S. A., was making the slow and toilsome journey from his headquarters at Arkadelphia, Arkansas, to Austin, Texas. This had been a disastrous summer for the Confederacy. At Gettysburg General Lee had been thrust back and put a second time upon the defensive in Virginia; Vicksburg had been lost, the Mississippi had been seized by the Federals and the Trans-Mississippi Department cut off from Richmond. In the Trans-Mississippi Department itself, the whole of Missouri, nearly of Arkansas, and the most important part of Louisiana were in the hands of the Union forces. Texas alone was untouched by the enemy. In this desperate situation men's eyes again and again turned anxiously to Europe for some indications of the promised intervention in behalf of "King Cotton" that would secure them independence. This intervention once so confidently expected had for a brief time seemed at hand when, in the latter part of 1862, Napoleon III had addressed notes to England and Russia suggesting friendly joint offers of mediation in the American conflict; and even when this opportunity had come to nothing through the hesitation of England and Russia and the positive refusal of Lincoln and Seward to entertain the suggestion, confidence was still high in the good intentions of the French emperor. But months passed on, the inexorable enemy pushed his lines farther and farther into Confederate territory, and Napoleon III, now busied with Mexico, remained inactive as to mediation, though still protesting his good will.

Some time after Major Tyler arrived at Austin he presented a lengthy memorial to "His Excellency the Governor, the Governor-elect, and the Authorities of the State of Texas." The essential part of that memorial is printed below. It is an appeal for Texas to take the initiative in demanding protection of France upon the

basis of the guarantees in the Louisiana Purchase Treaty of 1803, on the assumption that Texas was a part of the Territory of Louisiana at that time. Obviously, the importance of the memorial lies quite as much in its origin as in its content. With whom did the plan originate? Was it Major Tyler's own independent scheme, or was Tyler only an agent of higher authorities? Could the plan have been prompted by the tortuous counsels of Napoleon III or by some of his officials in Mexico? Did it originate with the hard-pressed Confederate authorities at Richmond or with the military commanders of the Trans-Mississippi Department?

The whole memorial is based upon the belief, confidently expressed, that the French emperor is willing enough to intervene, if given the proper opportunity. There were not wanting proofs that the independence of the Confederate States was an important desideratum of his larger policies. Is it possible that Napoleon III had inspired Tyler's plan? If we accept the argument of the memorial, namely, that because of the diplomatic situation the French emperor was in no position to take the initiative but must await an appeal founded upon some definite obligation, such an assumption would do no violence to our knowledge of Napoleon's tactics. Just a year before the French consul at Galveston, M. Théron, had sent a note to Governor Lubbock suggesting that Texas might find it desirable to withdraw from the Confederacy and re-establish the old Republic—presumably under the protection of France—a suggestion which Lubbock denounced as evidence of "an incipient intrigue" and revealed to Jefferson Davis, who promptly expelled Théron from Confederate territory. However, it could not be found that the French consul had been inspired from Paris.<sup>1</sup> It is not likely that the French would have gone to Arkansas to secure an agent. There is nothing to show that the officials in Mexico had anything to do with Tyler's mission; for, though rumors were abroad that Marshal Bazaine had some sort of instructions to co-operate with the Confederate authorities or those of Texas if a favorable opportunity offered, these rumors have never yet been substantiated. A search through the archives of Paris or Mexico might reveal more of Napoleon's intentions.

<sup>1</sup>Lubbock, *Six Decades in Texas*, 511; Richardson, *Messages and Papers of the Confederacy*, II, 334-337, 389.

Then if the scheme did not originate abroad, is it traceable to Jefferson Davis? It may well seem strange that Tyler should undertake a mission without the knowledge of the President, which, if successful, would be of the greatest moment to the Confederate government. We also know that Major Tyler was within a few weeks afterward promoted to a position in the War Department at Richmond, a fact which argues that he must have enjoyed the confidence of the officials there. But there is absolutely nothing discoverable in the Confederate papers to indicate that Davis or Benjamin, then Secretary of State, ever had any knowledge whatever of the memorial. Moreover, Governor Lubbock, who shortly afterward became a member of Davis's staff, seems never to have heard anything of it from Davis himself, who would certainly have sounded the ex-governor of Texas if he had had any such scheme in mind. Above all, it would have been wholly inconsistent with the character and policies of the Confederate president to revive French claims to a part of the Confederacy, claims which in view of what was transpiring in Mexico, were more likely to prove dangerous than helpful.

That Tyler could have taken up the matter on his own initiative seems equally improbable. Why should he be allowed to absent himself from his post of duty at Price's headquarters, on a five hundred mile journey, at a critical period of the campaign?<sup>1</sup> Is it possible that he would have undertaken a project of this kind without receiving the permission of his friend and commander? Then, was Tyler the agent of General Price or of the commander of the Trans-Mississippi Department, General E. Kirby Smith? The isolation of this department, through the capture of the Mississippi by the Federals, had caused the authorities at Richmond to grant the Trans-Mississippi commander almost complete governmental powers; and at a conference of the governors of the states in that department, held at Marshall, Texas, in August, 1863, it was recommended among other things that General Smith enter into negotiations with the French in Mexico. Shortly afterward he wrote Mr. Slidell, envoy and minister of the Confederate states

<sup>1</sup>Price had just been driven out of Little Rock into Southern Arkansas by General Steele.

at Paris, to urge the necessity of an alliance between the Confederacy and France in order to protect French interests in Mexico?<sup>1</sup> He said nothing, however, of the treaty of 1803; and while he at once sent a copy of this letter to Jefferson Davis, he never at any time said anything of any authority given to Tyler. If Tyler was acting for the military commanders, why did he not say so in his memorial? If he was acting without their knowledge or consent, why was he not reprimanded instead of promoted?

The most probable explanation seems to be that Major Tyler was sent by his commander, Sterling Price, to induce the state officials to take the initiative in appealing to France, since the military could not themselves act in the name of the state. Moreover, we have a statement, at second hand, from Captain N. L. Norton that he accompanied Major Tyler from Price's headquarters at Austin "with instructions to secure if possible suitable action upon the part of the Texas authorities to bring to a head the proposal that it was said Marshal Bazaine was ready to make in Mexico looking to French intervention."<sup>2</sup> Though this seems the most probable answer to the question, it is impossible now to determine definitely the authorship of the scheme; and it is hoped that the printing of a part of the document may attract the attention of some one who can supply the needed information.<sup>3</sup>

Governor Lubbock never acted upon the suggestion in the memorial. He stated then that he could not do so without first consulting Mr. Davis, and the end of his term of office was too near for that. Lubbock seems also to have thought the scheme involved the secession of Texas from the Confederacy, an idea which he refused to entertain for an instant. His successor, Governor Murrah, seems never to have taken the matter under consideration at all, and what might have been an interesting and important diplomatic matter became a forgotten incident.

<sup>1</sup>War of Rebellion Records, Series I, Vol. XXII, Pt. II, pp. 993, 1003-1010.

<sup>2</sup>Lubbock, *Six Decades*, pp. 313-314, *note*.

<sup>3</sup>It is interesting to note that attention was called to the treaty of 1803 in March, 1862, by Governor Pickens, of South Carolina, who feared French aggression on the basis of its stipulations. See circular letter in *Texas Archives*, quoted in part by Lubbock, *Six Decades*, p. 510. The treaty was once cited also to prove that France could *not* intervene against the United States. Bigelow, *Retrospections of an Active Life*, I, 465.

Of the document itself approximately the first half is omitted here, a verbose and highly rhetorical introduction for which a summary will suffice. With a candor that could never have found expression in public speech or print at that day, Major Tyler declares at the outset that the Confederacy is in a most desperate condition, that it is gradually growing weaker, that without foreign aid all the states east of the Mississippi except perhaps Virginia and the Carolinas will be in the grasp of the enemy within less than a year, that west of the Mississippi Texas alone is free and that preparations are being made even now for her invasion.<sup>1</sup> It is impossible to believe, he says, that the Confederacy can ever recover its lost territory and win its independence unaided. Foreign intervention is absolutely essential.

Turning now to that subject, he quotes at considerable length from an article in *De Bow's Review*, of 1862, in which the writer attempts to explain the diplomatic situation abroad. Great Britain is represented as having realized her great error in freeing the slaves in her tropical colonies in 1833, by which act she had diminished her tropical products and seriously endangered her trade supremacy. Fearing the competition of the semi-tropical agriculture of the Southern states, based upon slave labor, and the growing commerce of the North based upon its monopoly of the Southern market, she had set to work to undermine both by developing abolition sentiment in Europe and the Northern states. She had succeeded beyond her expectations, for now the war of subjugation waged by the free states upon the South would not only destroy the slave system and the agriculture of that region, but would inevitably crush in reaction the economic power of the North also. Great Britain believed this would relieve her of her most dangerous commercial rival, restore to her the carrying trade of the seas, discredit republican government, and maintain British political institutions in the interest of the ruling classes. Therefore she was content to see the two sections wear each other down, and had rejected Napoleon's offer of joint mediation. The Russian Czar is represented as fearing to arouse the anger of his nobles, whose serfs he had recently liberated, by inconsistently in-

<sup>1</sup>Two attempts were made by General Banks to invade Texas in the fall of 1863: the first met defeat at Sabine Pass in September; the second captured and held Brownsville from November to July 30, 1864.

terfering in behalf of a slave-holding people. For this reason he had held aloof with Great Britain.

The "profound" and "sagacious" emperor of the French determined to elevate France to the highest position among the nations, is credited with understanding both the designs of Great Britain and the predicament of the Czar. He has no desire to see the South conquered, for then the United States is likely to become a militant empire, stretching out over Mexico, Central America and the West Indies, and thus grasping and monopolizing every great tropical product of the western world. Nor does he intend for Great Britain to reap the profits of the ruin of American commerce, if that should be the result of the war. Both contingencies must be defeated since "either would circumscribe the importance of France, diminish the influence of the French empire, wound the vanity of the French people, and endanger the present dynasty upon the throne." To this great end he had seized upon Mexico, forestalling the United States and securing to France a rich tropical region from which could be drawn the raw materials of manufactures, a region in which the existent institution of peonage could easily be converted into the institution of slavery. It could be no part of his plans to suffer the South to be subjugated for that would inevitably bring him into conflict with the undivided United States; it must be his purpose first to secure himself in Mexico and then intervene in behalf of the South. This would break the power of the North, foil Great Britain, create an immense French empire and carry France to a higher position than she had ever held even in the days of the great Napoleon.

Closing the long quotation, Major Tyler points out that the Polish revolution and the fear of French interference there had lately caused the Czar to draw closer to the United States and Great Britain, and had forced Napoleon III to conciliate Austria by offering the crown of Mexico to Maximilian. The Emperor could not afford to risk fighting the United States, Great Britain and Russia combined, by intervening alone in the American struggle upon the vague principles of humanity and in consideration of his own selfish advantages. The principle of European balance of power would admit only of a joint intervention, and then not in behalf of the South, but in accordance with the doctrine of *uti*

*possidetis*, whereby the South would be stripped of all its states now held by the North. This would leave the South weak, divided, and a possible prey to the greed of the intervening powers. How this danger could be avoided while securing effective intervention is the substance of the remainder of the document, which follows herewith.<sup>1</sup>

\* \* \* \* \*

Having thus, gentlemen, sincerely, according to my best judgment and conviction, unfolded our "*Status*," both at Home and in respect to Foreign Nations, in the light of existing facts and future probabilities, permit me now to say it is proposed to shun all the evils that have been shadowed forth, whether to be derived from the arms of the United States, or whether from an Armed Intervention of the European Powers. *It is believed that the arms of the one and the schemes of the other may be defeated; that the Confederate Cause may be made to prevail against both; that the Confederate Government may be maintained in its integrity; and that Human Liberty and Republican principles may be established triumphantly; without jeopardizing the peace of Europe; and this through the instrumentality of Texas, springing out of the Wilderness, as she has done, like Israel's Host of old. Let us proceed now to this issue.*

Some years ago, in the course of the career of that miracle of Genius, Napoleon the Great, while conducting the Arms of France against the combined Powers of Europe, Spain, then in possession of all South America and the greater part of North America, ceded to France the "*District of Orleans and the Territory of Louisiana*." Afterwards, Napoleon, fearing that the Purchase might be seized by the Superior Maritime strength of Great Britain, and that, in conjunction with the Canadas, it would give to that Nation a Territorial extent in North America entirely surrounding and enveleping the United States, furnishing the ultimate means of crushing out the young Republic and grasping a range of Commerce before which no other Empire could stand, sold this Purchase to the United States in the hope of substantiating those States against Great Britain and building them up into a powerful Commercial and Manufacturing Rival, but stipulating in the Deed, or Treaty of Sale, among other things, with his usual clearness of perception and sense of Justice, that, "*the Inhabitants of the ceded District and Territory shall be maintained and protected by the United States in the free enjoyment of their liberty, property, and*

<sup>1</sup>The original memorial apparently in Tyler's handwriting and signed by him is in the Texas Archives, Secretary of State's office, Austin, Texas.

*the Religion they profess*"; and, in approving the Treaty, he thus wrote to the Inhabitants, "*let the Louisianians know that we separate from them with regrets, but that we stipulate in their favor everything that they can desire.*" Similar guarantees in behalf of the Inhabitants had been given by France to Spain. The whole world at the time acknowledged "property" in Slaves and Slave Labor, and Negro-Slavery existed among the Inhabitants and, by the local law, extended over the whole District and Territory from the Nueces, if not the Rio Grande, to Vancouver's Island, for the Purchase itself embraced not only the States and Territories now attached to the Trans-Mississippi Department, but extended over Iowa, Minnesota, Dakota, Kansas, Nebraska, Washington and Oregon.

Here, then, were solemn Treaty Stipulations, in perfect accordance with the sense of the age, binding upon the United States to "Maintain and protect" the institution of Negro-Slavery and property in Negro-Slaves among the Inhabitants of the Louisianas, and resting in the National honor and good faith of France and Spain to exact the full measure and observance of for all time to come so long as the Inhabitants should desire it. And by the Constitution of the United States this Treaty stood as a part of "*the Supreme Law of the Land.*" Nevertheless, this Treaty, thus circumstanced, has been violated time and again by the United States, but never during the reign of Napoleon. Before the United States proceeded to violate it for the first time, in 1819-20, through the vote of the North in the Congress at Washington, upon the question of the admission of Missouri into the Union as a Slaveholding State, and by the application of the "Compromise line" cutting off and excluding Negro-Slaves from among the Inhabitants of the Territory north of that line, Napoleon was overthrown in France and chained to the rock of Helena, and the Bourbons, whose policy it was to ignore his acts where they could not be set aside, acceded to the Thrones of France and Spain, and those Governments lost sight of their guarantees to the Inhabitants of the Louisianas. This State of things continued, necessarily, until the resubversion of the Bourbons and the reaccession of the Napoleonic Dynasty to the Throne of France in the person of Louis Napoleon. By the fact of the reaccession of the Napoleonic Dynasty this Treaty becomes re-established in the honor of France and upon the conscience of the Emperor. And as Louis Napoleon is now recognized and acknowledged as the Lawful Sovereign of France, in right of his uncle and the French People, by the European Powers, International Law will justify him in the assertion of the guarantees of this Treaty against the United States in favor of the Inhabitants of the Louisianas, and deprives those Powers of the pretext of war for his so doing. The United States, taking advantage

of the situation in France, and in contempt of their own Constitution, have not only, through the force of the North in the Union, time and again, violated this Treaty, as we have said, but they have finally driven the Inhabitants of the country who still own slaves to arms in defence of their rights under its stipulations; and now the United States threaten utterly to extinguish these rights by depriving these Inhabitants of their liberties, robbing them of their property, and abolishing Negro-Slavery. So far from maintaining and protecting the Inhabitants in the "free enjoyment" of their liberty, property and religion, the course of the United States has been and still is utterly to deprive them of liberty, property and religion, together with Life itself;—even their lands are confiscated.

All the States of the Trans-Mississippi Department would have the right, under this Treaty, not only to *Appeal* to France and Spain for protection, but to *demand* of those Governments the fulfillment of its conditions as against the United States, in the past as in the present, had they equally the power of speech and of action. But, as has been stated, Missouri with the remorseless sword of the Enemy at her throat is rendered utterly nerveless, while her Inhabitants are being ruthlessly despoiled alike of liberty and property; and Arkansas and Louisiana are so far shackled and reduced that neither of them can speak, or act, with authority. Texas alone, among them all, remains free, sovereign and independent, with the full power of speech and of action, and it is for her to decide whether she will assert the true dignity of her position, or remain silent on the subject, suffering events still to proceed until the war shall close around her borders and enfold her in its Anaconda grasp. Should she determine upon action it will be her high duty and privilege to speak to the issue not only for herself, but to represent the situation and condition of Missouri, Arkansas and Louisiana, and to embrace them in her Petition and demand. That Texas was originally a part of the Louisiana Territory, *suffered to lapse through the neglect of the United States controlled by the policy of the North in the Government*, can scarcely admit of a doubt. Those best versed in the history of the times of the Purchase always so asserted; and Mr. Benton in his annals of "Thirty Years" service in the Senate, as well as in his speeches upon the question of the admission of Texas into the Union, invariably styles the measure, not one of "annexation," but of "reannexation." She can, at this time, claim it to be her especial province to take action under the Treaty with France, and that between France and Spain, since, heretofore, while in an anomalous condition, she was debarred from speech, like an Infant at Law, and it was not until she was "*reannexed*" to the United States that she recovered her Status beneath the folds of its stipulations and

guarantees that are now being threatened by the United States with invasion, subversion and destruction, and in defence of which she has been driven to the direful necessity of Revolution and War.

*This action on the part of Texas is urged, not for the purpose of severing her from the Confederacy, but for the purpose of restoring her connections with the Confederacy.* We have seen that she is isolated and cut off from the Government at Richmond, and from nearly all resources exterior to herself, and that before these connections can be re-established the Enemy must be hurled back from Louisiana and Arkansas, overwhelmed in Mississippi as well as in Tennessee, and his Fleets be expelled from the Mississippi River and destroyed in the Gulf of Mexico. These results can only be achieved by bringing to bear against the Enemy superior forces, and these forces can only be obtained from France, or from France and Spain combined. Otherwise the struggle has to be made with forty thousand men, at the most, numbering those now in the service with those that hereafter may be raised, unsupported by a Navy and a blockaded Coast, against ninety thousand, at the least, that may be increased to two hundred thousand, supported by powerful and unopposed Fleets, a mercantile marine the largest in the world, and the markets of the universe open to them for supplies. In considering the subject let us not deceive ourselves. The necessity for Foreign aid is becoming, if, indeed, it has not already become *absolute*, and yet, we can not afford the risk of an "*armed intervention*" of the Commercial Powers and the application of the doctrine of "*Uti possidetis*."

But why should Texas take this step rather than the Government at Richmond, or, in other words, why should Texas originate the step though final action were had at Richmond? She should do so for the reasons that have been assigned, and because our Confederate authorities can only act through a general agency and a general delegation of powers, and, in so acting, must act for the whole, as a whole, rather than for a part in reference to the whole. To act for a part only would be to act invidiously, to negate their general authority, and to attract, in all probability, odium and denunciation. Reasons both of policy and propriety would, very likely, prevent such action though never so urgent and desirable. Doubtless, our authorities have done and are doing everything legitimately in their power to induce friendly Intervention, as they have done and are doing to repel the Enemy; but do they object to any assistance that Texas may now bring them in the way of *Men and Materials of War* that she alone can control, and will they object to her assistance through *measures* which she alone can command and inaugurate? It would be illogical so to conclude. They will be, unless I greatly err, only too happy to receive such assistance in relief of the delicacy of their position. It could not

be viewed in the light of a violation of the Treaty making power confided by the States to the Confederate Government, for it would not be in the line of any new contract, or alliance, with a Foreign Power, but simply an appeal and demand that an existing contract and alliance shall be duly executed. But, under the pressure of our necessities, we willingly close our eyes to many departures from the strict rule of Civil right and Constitutional formalities in order to secure vigor and energy in the Common Cause and Success to our efforts for the general good. Let us not then impede this movement on the part of Texas by objections founded in casuistry, or oversensitive regard to the mode and manner of its conduct, its object and termination being the interests of us all and the substantiation of the Confederacy.

There is one feature associated with this Treaty that must be of an exceedingly interesting and attractive character to France, and which can not fail to excite the indignation of the French People by reason of its desecration. It will be remembered that out of the lands embraced in the "District of Orleans" the United States made an extensive donation, now comprehending much of the City of Orleans, to Gilbert Mortier de La Fayette, in consideration of his distinguished Revolutionary services, and large sums of money expended out of his private purse in support of our Troops and Arms during the War of the Revolution. This donation he consented to accept, but on discovering that the lands were, already, for the most part, occupied by Settlers, he generously and unreservedly, with his usual liberality and magnanimity of soul, confirmed them in their possessions without restriction upon their domestic usages. *These Settlers were, at the time, Slaveholders, and all their usages partook of the Institution of Slavery.* The United States after first oppressively compelling these "*Inhabitants*" to proclaim their Constitutional privilege to secede from the Union in defence of their Rights and Liberties, have now proceeded, sword in hand, to rob them of their slaves, to confiscate their Real Estate, and to deprive them even of life if prompted by revenge, or policy, equally in contempt of the Donation, of the Bounty of La Fayette under it, and of the Treaty with France. Surely neither the French Government, nor the French People, will suffer the memory of La Fayette to be thus desecrated and their National honor to be thus despised in disregard of the fundamental principles of International Law. It would be entirely proper to embrace the case in any official proceedings had upon the subject of the Treaty.

These proceedings should be, as has been suggested, in the Nature of an Appeal, or demand, upon the Emperor of the French, by Texas, endorsed, if need be and time permitted, by the Government at Richmond, covering all the "*Inhabitants*" of the States and

Territories of the Trans-Mississippi Department, in the full light of the Provisions of the Treaty, the violations of these provisions and the oppressions of the "Inhabitants," and the general and special circumstances involved in the conduct of the United States.

Should France, through the action of Texas in the manner indicated, be induced to interpose in behalf of the "Inhabitants" of the States and Territories of the Trans-Mississippi Department, on the basis of the Treaty of Purchase of the Louisianas, the advantages derived to the Confederacy would be incalculable, not only during the War, but after the declaration of Peace. The Power of Spain would be unavoidably involved in the direction of the action of France; and Brazil, Mexico, Italy and Austria, would be placed in the position of armed Neutrals leading to the side of France and Spain, compelling Great Britain to look well to herself before she hazarded the repose of Europe, though she were disposed to question the grounds of the interposition of France. Indeed, Great Britain, in view of her Commercial and Manufacturing interests, would, under the new situation of affairs, soon see the necessity on her part, not of opposing, but of joining in the movement. In the meanwhile, it is reasonable to suppose, the Polish difficulty would be adjusted and a Confederate Fleet liberated from the Ports of Europe to operate along the Atlantic Coast in recovery of the Cities and Harbors captured by the Enemy. As matters began to assume this shape the probabilities are that the North would gladly agree to an Armistice and negotiations for peace. But should they, under these circumstances, determine upon continuing the War their destruction would be inevitable, seeing which Great Britain would not only refuse to stir in their behalf but would immediately spring to their overthrow, *as the real policy of the British Ministry is founded in the idea of the annihilation of their commercial and Manufacturing systems resting on Southern products.* These products would be now for distribution throughout the world, and no longer confined to the States of the North, neither would the North any longer command and monopolize the Carrying trade of the South. They would be stripped of all their exclusive privileges heretofore enjoyed under their navigation acts, and fall like Lucifer to rise no more. A French and Spanish Fleet, and a Franco-Mexican Army, stand in readiness in the Gulf of Mexico and along its shores, almost at our doors and within our call, to advance, in conjunction with the Confederate forces under Smith, Magruder and Price, against Banks in Louisiana, and Steele and Davidson in Arkansas, while raising the blockade of New Orleans and clearing out the Mississippi River. Thus the power of the Northwestern States on this side the Mississippi would be broken, while that of the Middle and the Eastern States on the

other side would be crushed beneath the hammering blows of Lee, Beauregard, Johnston and Bragg. Finally, it would remain for the Confederacy and its Allies to dictate to the Government of the North their own terms of adjustment, *and everywhere the abolition sentiment would expire.*

These terms of adjustment could only be such as to assure the impoverishment of the North, following their overthrow and the declaration of peace. The Northern States would be deprived of the trade of the South and the markets of the South; their ships would rot at their wharfs for the want of employment, and their Factories would crumble to their foundations. The Trade of the South would be no longer confined to Philadelphia, New York and Boston, but would be extended to London, Liverpool, Havre, Paris, Lisbon, Madrid, Vienna, Genoa, Florence, Rome, Havana and Rio Janeiro. The shipping of the South would be no longer restricted to Northern bottoms, but would command the Mercantile Marine of the World. The Staples of the South would be no longer monopolized by twenty millions of people at the North, but would be competed for by fifty millions in Great Britain and her Colonies, fifty millions in France and her Colonies, forty millions in Spain and her Colonies, forty millions in Austria, and twenty-seven millions in Italy, without regard to Brazil and Mexico. All that the South could raise would not supply her markets; and she would grow to be the richest and most glorious Confederate Republic the world ever saw, upon the ruins of the North. Thus from the thistle danger should we pluck the flower safety, avoid the doctrine of "*Uti possidetis*," establish our Independence, preserve Liberty, increase our Wealth and Power, and annihilate our Enemy.

We have said that it is for Texas to accomplish these results. Eighteen months ago a writer in the "Richmond Whig," foreseeing the time when Texas would probably be called upon thus to act and to assume the Confederate Cause, in discanting upon the aspect of public affairs and the events of the future, thus spoke:

"The Cause of Liberty is never lost. It survives the chain and the dungeon, the axe and the halter. It is immortal. Age, that brings to everything else decay and death, gives to it increase of vigor and perennial youth. Sanctified in heaven it is perpetuated on Earth. Its spirit alone animates to a noble and lofty destiny. With the sword it strikes down the oppressor's rod as the waves of the sea lashed Canute from the Shore. Who shall bid its strong pulsations to cease, or shackle its unconquerable arm? When General Washington was asked what he would do if the British forces should come to possess all of our Cities and the Country bordering the Atlantic Ocean, constituting nearly the whole of the settled portions of the thirteen original States, he unhesitatingly replied, "*We shall retire across the Alleghanies and still keep up the War*

*of Independence."* So let it be now asked what shall we do if the Enemy comes to possess himself of our Commercial Marts on the Atlantic and Gulf of Mexico, and maintains occupation of all the adjacent Country, and the instant reply should be, "*retire to the frontier lines of Texas with our Armies, and remove into that State our domestic Altars—our men servants and our maid servants—and there defy the World in Arms."*

"This great State, in point of geographical extent, is divided into three parts. Beginning on the shores of the Gulf of Mexico, the *first* division is a vast Coast Prairie, extending four hundred miles in length, from the Sabine to the Rio Grande, with an average width of forty miles. In addition to the two Rivers mentioned, the Brazos, the Colorado, the Guadalupe, the Trinity, the San Antonio, and the Nueces, make their exit to the Gulf across this region and, within its bounds, their waters may be said to be navigable. The soil is a black alluvial, the deposit of unnumbered ages, formed by the recession of the waters of the Gulf, and for productiveness equal to any in the world. Under full cultivation here alone would be garnered as much Sugar and Cotton as are now produced in all America. The *second* division extends along the Red River and its Tributaries, covering a space as large as that occupied by either one of the older States, and consists of a soil well adapted to tobacco and the cereals, and favorably comparing with the richest grain growing and tobacco lands of the Earth. The *third* division, embracing the remainder of the State, in extent from three to four times the magnitude of Tennessee, or Georgia, reposes on the upper waters of the Rivers mentioned, and consist for the most part, of an elevated, rolling and perfectly salubrious Country. There is not to be found a region more productive in the natural grasses than this and, consequently, it is unexcelled for stock-raising purposes.

"Thus is this magnificent domain spread out on the map, beneath a temperate sun and in the midst of a genial clime, a glory and a blessing to the Family of Man, and the eternal abode of Liberty. Capable of maintaining in comfort a population of fifty millions of Inhabitants, the addition of ten millions would only serve to develop its agricultural resources, to give form and refinement to its social system, and strength and beauty to its political Institutions. With a Coast line, through natural advantages, of easy defence, and Vast interior Plains as inhospitable to an invading Enemy as the Steppes of Russia, alike impenetrable and unassailable if properly guarded, here might Freedom repose though surrounded by the wrecks of crushed Republics, and in the midst of the rage and agonies of groaning Kingdoms and Empires. With this Refuge and this Hope abiding with us forever, whether prostrate in defeat, or victoriously erect, let us bravely fight on, confident

of reaching, in the end, the radiant goal of honor and Independence."

With these views and sentiments, constituting Texas the Palladium of Liberty and the Home of Humanity, all will agree. Let us then, from those States oppressed by the Enemy, gather our Wives and our Children within her ample fold; unite our energies and concentrate our Armies in defence of her frontiers; rivet an Alliance with France and Spain; and lead her own People and those of Louisiana, Arkansas and Missouri, together with the entire Confederacy, to victory over the foe and the triumph of our Cause.

Not only are France and Spain interested in the Wellfare of the 'Inhabitants' of the Trans-Mississippi Department, but Spain is moreover called upon to assert against the United States the provisions of the Treaty for the purchase of the Floridas, stipulating in favor of the People there no less extensive privileges than those embraced in the Treaty with France. These Stipulations, to preserve which Florida felt herself compelled to secede from the Old Union, the United States have as little regarded as those of the Treaty with France. The Rights of Property and the Rights of Persons, Life, Liberty, Religious privileges, and the pursuit of happiness, are no less desecrated and spurned in the Floridas than in the Louisianas: and it is but reasonable to suppose that Spain will appeal to the fact in taking action with France in behalf of the Confederacy.

The special advantages to be derived to Spain and France from intervening in our behalf, on the basis proposed, apart from the incentives of National honor bound by the Treaties to which reference has been made, would be secured by Commercial arrangements with the Confederate States assuring to them the chief benefits of our Carrying Trade, of our Markets, and in our Raw Materials for Manufactures. And when it is remembered that the products and exchanges of the South, alone, have already given rise to an Export and Import trade of four hundred millions a year, conducted by the North, these advantages bid sufficiently high, in themselves, apart from all other considerations, to induce their interference. Gaining these advantages they would not desire to be complicated in our Domestic Affairs and burthened with our Government, though the 'Balance of Power Principle' in Europe should permit it. Similar advantages, but on a much more limited scale, having been secured in Mexico they now cast away the Government on Maximilian. While we, on our part, though restricted in our dealings to these two Nations and their Colonies, which, however, would not be the case, could very well afford to transfer our Shipping and Markets from twenty millions at the North, to ninety millions in France and Spain and their Dependencies, more advanced in Civilization and equally Wealthy. In this age the extension of Com-

merce and Trade, rather than the pride of Dominion, controls the policy of Nations, makes War and contracts Peace.

In conclusion, Gentlemen, again suffer me to entreat you to view our Status and that of the Enemy, not in the light of our hopes and wishes, but devoid of feeling and with a clear and unprejudiced eye; not for the purpose of generating despondency and abating our exertions, but rather to excite, if possible, to still more vigorous measures and to bring into play more potent agencies. It is true that Texas, as yet, has not felt the oppression of this War at her own doors. It is true that the fire and sword of the Enemy, and the devastation of contending armies, has not yet spread havoc and ruin throughout her borders, as in other States less favourably circumstanced. It is true that heretofore she had been the market of supplies for our Service in Beef and Oxen, horses and mules, adding to her wealth in reality; and that she is now becoming the beneficent granary, and the chief dealer in Cotton, in the line of wants of the Government, receiving much money justly in return. But thousands of her brave Sons have already fallen upon the battle-fields of Arkansas, and Louisiana, and Missouri, and Mississippi, and Tennessee, and Kentucky, and Virginia, where the sword has reeked itself in blood; where fire has consumed the family roof-tree; where innumerable farms, once verdant in culture, have been ravaged and left desolate; and from whence thousands upon thousands of patriotic hearts beating in the breasts of Southern Wives and Mothers, and grey-haired Sires, and prattling Infancy, have been driven out and exiled sooner than submit to the Invader. From these States the wail of suffering is heard, even now, throughout the length and breadth of Texas, along all of her thoroughfares, appealing not only for an asylum, but for sterner and more effective resistance, and retributive Justice to the foe. Every where the War is pressing upon our subsistence. Every where the War is exhausting our male population; and, I pray God, that its worst calamities, felt elsewhere, may be averted, forever, from Texas. But how is it with the North? Their land is still full of supplies, and still swarms with a superabundant population drawn from the teeming womb of Europe, converting their armies into Hydra-headed Monsters so that as fast as the head of one is crushed in another springs out to avenge its loss and inflict its deadly wounds. The waste of the battle-field is scarcely felt or cared for there. The Commercial, Manufacturing, and Mercantile Classes at the North, wielding the indigent masses of both Hemispheres concentrated there, and controlling the Government to suit themselves, feel not the War save in the increase of their gains through unlimited Army and Navy Contracts for grain, for flour, for sugar, for Coffee, for blankets, for Tents, for clothing, for medicines, for Hospitals and

Hospital Stores, for Wagons and Ambulances, for Rail-road and Steamboat Transportation, for military equipments, for ordnance and ordnance stores, for ammunition and arms of all kinds, for Ship-building, for Coal and iron, and all the other means and appliances and requirements of a service that, in itself, has generated with them new and abundant fields of industrial application and profit, in the place of the old channels of occupation and investment subverted by the Civil disturbance in the Country. Their wharfs are still loaded with goods and luxuries drawn from every clime—linens and silks and broadcloths taking the place of cotton drills and muslins;—and from the Ball Room to the Dining Room still issue the sounds of fulness and of Joy, as of yore. Why should this not be so, when the thunder of battle that has swept through the Confederacy, decimating our People, devastating our Estates, and crimsoning our land with blood, has never struck its wild alarum in their ears, save for an instant on the borders of Pennsylvania, and they only know by telegraphic dispatches and official reports on paper that battles have been fought? No greater mistake is made by the South than the Supposition that the North is hopelessly suffering from the War, save that other mistake in which we indulge leading to the idea that the War can be made to cease, by our own exertions, without the sacrifice of either Party. It is a war of Annihilation to the one, or to the other, at least in the estimation of the North. The South must be subjugated, or the North must perish, is the only view entertained by the North. To this complexion the issue has come, and to substantiate the South and overthrow the North foreign alliances should be successfully solicited.

In the hope of the speedy accomplishment of these ends I have ventured to address you, Gentlemen; and you will pardon me if I do not condescend to notice the idle rumours afloat as to the object of my visit to Texas. They are alike unworthy of myself, of your attention; and of the sources from whence they emanate. I have approached you unreservedly, and having now performed a duty residing in my Conscience, I shall silently leave the rest to God and the Country.

Believe me to be  
With the profoundest respect and consideration,  
Your friend and Servant,

John Tyler.

October 27, 1863.

GENERAL VOLNEY ERSKINE HOWARD<sup>1</sup>

Z. T. FULMORE

The subject of this sketch was born in Oxford county, Maine, October 22, 1809.

He had the usual experiences of a bright, ambitious New England boy. In the intervals of labor on the farm, he attended school near his home and finally entered Bloomfield Academy, and afterwards Waterfield College. His excellent record while at college so won the admiration of an uncle who was practicing law in Mississippi that he was invited to study law and go into partnership with him. In 1832, young Howard left home and went to Mississippi, but upon his arrival there learned that his uncle had just died. He at once began the study of law, was soon admitted to the bar, and began practice at Brandon. He rapidly rose to distinction. In 1836, he was elected a member of the legislature, and, in the same year, was selected to carry the electoral vote of the state to Washington. While in that city, he was married to Catherine Elizabeth Gooch, a native of Massachusetts, and a young lady of rare literary accomplishments. Upon his return to Mississippi, he was appointed reporter of the supreme court, and the eleven volumes of Howard's Mississippi reports attest his industry and capacity. It was during this time that he purchased the *Mississippian* and made it the leading Democratic newspaper of the Southwest. In 1840, he was nominated as the candidate of the Democratic party for a seat in the United States congress and, although he ran 1000 votes ahead of his ticket, he was defeated by his Whig opponent, Governor Tucker.

During his legislative career, the Union Bank monopolized the politics of Mississippi. He voted against the bill by which the state guaranteed the bank's issue, and while he pledged himself to abide by the action of the legislature, he predicted the insolvency of the bank and the repudiation of the state's obligation by the friends of the bill, in the event of its passage, a predic-

<sup>1</sup>For most of the data in this article I am indebted to Volney E. Howard of Los Angeles, California.

tion that in a few years came to pass. He was severely criticized by the press, and he as severely retorted through his paper and on the stump. In the midst of public discussion upon the subject, he was chosen by the Democratic party of Mississippi to answer the challenge of Sargeant S. Prentiss to a joint discussion at Jackson. This meeting has ever since been regarded as a famous event in the political history of Mississippi. The partisans of the respective sides both claimed that their champion won the victory, but all admitted that Howard carried his end of the discussion with matchless skill and ability. It was during this stormy period that Hiram G. Runnels, the president and manager of the bank, challenged Howard to fight a duel. The challenge was promptly accepted and the duel was fought at Columbus. Howard was shot, the ball striking a rib and coursing through the breast. As he had predicted, the bank became insolvent and the question of repudiation came before the legislature. This was strenuously opposed by Howard in the most scathing and denunciatory language, but the measure carried, greatly to his disgust. Immediately afterward, he shook the dust of Mississippi politics from his feet and moved to New Orleans, where he again resumed the practice of law.

Mr. Polk having been elected President in 1844, Howard saw the immediate prospect of Texas becoming a state of the Union, and late in December moved with his family to San Antonio, Texas. Within a few months after his arrival he was elected a delegate to the first state constitutional convention and was active and prominent in framing the constitution of 1845. Immediately after organizing the state government, Governor Henderson, on the 27th of February, 1846, appointed Howard attorney general of the state, but he had just previously been elected to the state senate, and declined the appointment.

In 1849, he was elected to represent the western district of Texas in the United States congress to succeed Timothy Pilsbury, also a native of Maine; he was re-elected in 1851 and served out his full term. His addresses before the House in the discussion of the Compromise Measure of 1850 are models of logic, pure diction, and oratory. He omitted no phase of the Texas question, even delving into all the available sources of information on the Texas boundary.

At the expiration of his second term in congress, Howard was appointed by President Pierce United States attorney to the land commission in California, and he went there in that capacity but, after serving a few months, resigned and began the practice of law in San Francisco. There he continued until 1856, when the celebrated vigilance committee was organized. It declared martial law in San Francisco and virtually governed the state at the point of the bayonet. Howard was an uncompromising advocate of the supremacy of the law, and strenuously opposed the policy of the Vigilantes. The governor issued a proclamation ordering them to disband, but they defied his order. He then called out the militia and appointed Howard to command, but the strength of the Vigilantes was too great to be overcome by the militia. The enmity to General Howard in San Francisco resulting from his course prompted him to move to Sacramento in 1858. In 1861, he located in Los Angeles, where he assiduously devoted himself to the practice of law for about ten years. He accepted the office of district attorney several terms; was a member of the convention which framed the present constitution of California; was elected judge of the superior court in 1880; and during his incumbency in that office was nominated to a place on the supreme bench, but declined. His term expired in 1884, when, owing to advancing years and declining strength, he retired, and died in 1885.

In noticing his death, a leading daily newspaper of Los Angeles, said:

With the death of Volney E. Howard passed one of the most distinguished citizens of California and of the Republic. It would be difficult to name an eminent American who has figured at the bar and in the forum during the last fifty years of whom General Howard was not the peer in all the qualities that go to make up a personality of intellectual distinction. As a jurist and constitutional lawyer, he was perhaps without an equal in this state. His oratorical powers were graced by a diction of surpassing purity and style of captivating charm. He was always interesting and at times rose to a height of eloquence which is only reached by the greatest orators. His celebrated speech in the constitutional convention, on the relation of the corporations to the people, was pronounced, by even the very eminent men upon the floor who took issue with him as the most masterly speech of the whole convention. His logic was clear and strik-

ing; his sarcasm keen as the edge of Saladin's scimitar; his power of statement luminous and graphic. In terms of epigrammatic sentence he was fertile and even profuse. In impassioned arraignment, especially when his sense of wrong or injustice was aroused, he was withering and overwhelming. He was most dangerous when his expressive lip was curled with a smile and a peculiar sparkle, as if of humor, lurked in his piercing eyes. When in this vein and the occasion called it forth, he was a terror to those who fell athwart the lacerating excoriation of his invective. This country has produced but few men with a more comprehensive or absorbing mind, and none stored with a wider or more judiciously selected range of literature. His memory was one of great strength and tenacity. Whatever he read was stored away, and subject to call when required. No subject, however recondite or complex, had escaped the tireless industry of his research, and he was always ready to invest it with an interest and originality of treatment that stamped him as one whose investigations were accompanied with the penetrating power of the deep thinker.

He was a statesman in the highest sense. A graduate of the Jacksonian schools, he was firm and immovable in his political principles. His party might, in the hands of trimmers and time-servers, veer to the right or left, but he was as true as the needle to the pole.

His courageous nature was incapable of fear and when he knew and felt he was right, his firmness became so fixed in its purpose that no amount of danger could turn him from his course. Had he been more politic, more suave and bending in his character, more flexible to his own personal interests, he might have left his children greater riches as the world goes, but he could not have left them a more lofty and honorable heritage than that which descends to them from his pure and unsullied name and his great and lasting fame.

Such was the man who gave Texas eight years of his most vigorous manhood. The Legislature of Texas, in 1876, gratefully remembered his services and erected a monument to him by naming Howard county in his honor.

## ALBERT TRIPLETT BURNLEY

MARTHA A. BURNLEY

Albert Triplett Burnley was born on the 15th day of April, 1800, in Hanover county, Virginia. His grandfather, General Zachariah Burnley, was an officer of the revolution and an intimate friend of General Sumter, of South Carolina. General Burnley was one of three brothers who came to Virginia in the early years of the eighteenth century. One of the brothers, Hardin Burnley, returned to England when hostilities commenced, and remained. His descendants have occupied prominent positions in England; one of them represented that country as the head of the British Embassy at Washington during the Civil War.

Albert's father, William Reuben Burnley, died when Albert was about ten years old, and a few years after, his mother married Judge Nooe, of Alabama, and removed to that State. For some reason my father did not accompany her, but remained with her relatives in Virginia and was brought up by them. He lived first with his uncle, John Richards Triplett, of Richmond, but later with his mother's cousin, Mrs. Charles Smith, of Norfolk, whom he always considered his real mother, and her children as his brothers and sisters.

All these were people of the highest character, and from them he imbibed those principles and standards of honor and integrity which regulated his conduct through life. He had no collegiate education, only the teachings of the best schools the country afforded, but had a fine taste for reading and mental improvement of every kind. Added to this he grew up strikingly handsome and with a grace of manner and distinction of appearance which lasted him through life. I think no Virginian has ever been accused of indifference to his native State, but my father's attachment to Virginia was something particularly deep and romantic. Nevertheless, at the age of twenty-two, he decided to try his fortunes in Kentucky. He brought letters to the prominent men in Frankfort, Hon. J. J. Crittenden, Hon. George M. Bibb and others, and decided to remain in Frankfort and study

law with Judge Bibb, who was at that time chief justice of Kentucky.

After a few years, however, finding this slow work, he and his uncle, Robert Triplett, near his own age, bought some coal mines near Owensboro, Kentucky, which they operated successfully for some years. In 1827 he married Frances Ann Bibb, daughter of Judge Bibb, and they lived for some years on a farm near Owensboro, where his interests were.

In 1834, Judge Bibb was appointed first chancellor of Louisville and made my father his deputy, when he removed with his family to Louisville.

I can not remember the exact date of his becoming interested in the struggling Republic of Texas. I think it was greatly through his friendship with General Albert Sidney Johnston, though I recall many names familiar to my childish ears, Colonel Love, Mr. Peter Grayson, General Houston and others. They bought many thousands of acres of land there and took the deepest interest in the welfare of the country. The archives of the State will probably show the date of his appointment as commissioner to negotiate a loan for the Republic. It was probably about 1839,<sup>1</sup> as he was much pleased in England to be presented to the young Queen Victoria, just crowned, though he rather criticised her, allowing the Duke of Wellington to stand during the whole performance in her box at the theater. He thought it would have been more graceful to have invited a person of his age and distinction to be seated. Though this mission was unsuccessful, as was a second one a year later, he flattered himself that he had by his descriptions and representations at least brought Texas to the notice of the great world. He had letters to the prominent people in England, France and Spain, which he presented and was the recipient of much attention. He also in Paris had his fortune told by Madame Le Normand, who had foretold the Empress

<sup>1</sup>On April 24, 1837, President Houston issued his commission constituting Albert T. Burnley commissioner to negotiate a loan not exceeding five million dollars on the bonds of the government. Mr. Burnley endeavored to place the loan in the United States, but was not successful. He deemed it inadvisable to proceed to Europe while the proposition for annexing Texas to the United States was pending. However, on October 12, 1838, this proposition was withdrawn by Texas. On February 12, 1839, President Lamar recommissioned Mr. Burnley, and it was perhaps within the next few months that he proceeded to London.—E. W. W.

Josephine of her future grandeur, and was also in England a guest of the celebrated Eglinton Tournament, where Mrs. Norton, the poetess, was crowned "Queen of love and beauty."

When he returned from his second mission he was accompanied by Senor Fuñez, a relative of the then queen of Spain. Why this gentleman came to America I do not remember, or perhaps never knew, as I was a small child at the time. I think perhaps there was some hope of a loan from Spain, which was never realized. However, he remained for some years in this country and was engaged with my father in a commission business in New Orleans; the style of the firm was A. T. Burnley, Johnson & Co., the royal name appearing only as the company.

In 1842, by father thought of making his home in Texas, and we spent some months in Galveston in the spring of that year, but my mother's health was delicate and conditions very unsettled. I remember my childish terrors as night would come on lest we should be awakened by the bombardment of the city from a Mexican battleship. I feel quite sure now that they had no battleship. During that year we returned to Louisville, Kentucky, my father continuing his business in New Orleans and spending his winters there. Of course, he was much pleased when the annexation of Texas took place. At that time he had a cotton plantation in Brazoria county, Texas, but he soon after removed these interests to Issaquena county, Mississippi. His business in New Orleans prospered for some years, but about the close of the Mexican War they had heavy losses which led to the dissolution of the firm.

When General Taylor was elected president, my father joined with his friend Mr. Alex G. Bullitt, of Louisville, in establishing in Washington, a Whig newspaper, called *The Republic*, which was the official organ of the administration. When General Taylor died and Mr. Fillmore became President, the same conditions obtained, and in 1850 he removed with his family to Washington. His friend Hon. John J. Crittenden was then attorney general, and, having lost his wife some little time before, lived with us for some years. My father, whose tastes were all in that direction, dispensed a generous hospitality, and the house was the resort of all that was notable, socially and politically, in Washington at that time; Mr. Webster, Mr. Thomas Corwin, General

Winfield Scott, General Houston and others were frequent visitors, as also the younger and gayer of the resident society and the diplomatic corps. General Scott received the news of his defeat for president at our house. My father had invited him and a few of his friends to an oyster supper and made arrangements to have the telegrams of the news brought to the house. Of course, they grew more and more discouraging and the last one saying "New York gone Democratic by large majority; accounts look bad from every quarter," closed the incident. The General, however, received it calmly and said he would sleep as well as he ever had in his life.

In all this my father never forgot his interest in Texas, both financial and friendly. He spent some months there every year, and was also a frequent visitor to his plantation in Mississippi, always doing all in his power for the welfare of his slaves, even to paying a chaplain to give them religious services once a month.

In 1854 he returned to Kentucky, taking up his residence this time in Frankfort. Here he spent some quiet, happy years with his old friends. A part of every winter he spent in Texas or on his plantation, always taking a deep interest in politics for his friends, but entirely without political aspirations for himself.

About the year 1858 his health began to fail and symptoms of tuberculosis developed. All was done that could be done to stay its course. He went for two summers camping on the plains, towards the Red River of the North, and improved a little, but the disease was not so well understood then as now, and progressed steadily for three years. Like almost all Virginians up to the War Proclamation, he was much opposed to secession, though an ardent Southerner in all his feelings. He was very, very weak and reduced, but I well remember his look of distress when the news came of the firing on Fort Sumter. From that time he seemed to take but little interest in anything and sank gradually. On the eleventh of May he received the Holy Communion of the Episcopal Church and soon after lapsed into unconsciousness, breathing his last in the early morning of the thirtieth of May, 1861, surrounded by his family and his oldest and best friends.

There were other mourners besides his family. He had many

devoted friends and was himself most loyal and unselfish in his friendships. He was generous to an extreme and no one in need ever applied to him in vain, so far as his means would allow. We found among his papers after his death notes of persons to whom he had loaned money, usually in small sums, amounting to nearly thirty thousand dollars. He was also quite ingenious in devising ways and means of giving pleasure and advantages to some who could not well afford these things. In all transactions where strict integrity and a delicate sense of honor were concerned he was considered authority, and questions were often referred to him in such cases for decision.

Of course, in all his ill health his business interests had suffered and the result of the war destroyed the value of his plantation; but he never knew the worst, and the memory of his blameless life will always be a precious heritage to his children and grandchildren.

My mother, three daughters and one son survived him, but only my sister, Mrs. Crittenden, and myself are now living. His only son, Lieutenant George Bibb Burnley, of the Fourth Kentucky Infantry, C. S. A., was wounded at Shiloh and recovered, but was killed on the second of January, 1863, in the famous charge of Breckenridge's Division at the battle of Murfreesboro, gallantly fighting for the Southern Cause.

## THE RELEASE OF STEPHEN F. AUSTIN FROM PRISON

[The autograph letter printed below is found among the Lamar Papers. At the time when it was written, the writer, Peter W. Grayson, was attorney general, and M. B. Lamar, the recipient, was vice-president of the Republic of Texas.

"The Prison Journal of Stephen F. Austin," printed in *THE QUARTERLY*, II, 183-210, presents a narrative of his movements from December 10, 1833, to February 13, 1834, the date on which he was placed in the Ex-inquisition prison, and of his life in that prison from February 13 to April 29, 1834. The Journal ceases abruptly on the latter date, although Austin continued in the same prison until June 12, 1834. Additional information concerning himself while in prison is found in a letter which he wrote to James F. Perry, August 25, 1834. It is printed in Edward, *History of Texas*, 211-220. The important features of the letter below are: (1) the light it sheds upon the efforts of the colonists to comfort and aid Austin; (2) the nature of the evidence put forward against Austin by the prosecution, and (3) the statement of the successive steps in his release from prison and his final liberation and return home.—E. W. W.]

PETER W. GRAYSON TO MIRABEAU B. LAMAR

Columbia [Texas] Feby 14 1837

Dr Sir

The request you have made of me to give you some account of the imprisonment in Mexico of our lamented fellow citizen Genl Stephen F. Austin with the circumstances attending it as I had occasion to observe them, during my stay there with him, I take the first leisure to comply with, assuring you that it gives me much satisfaction to furnish all the little information in my power with respect to the interesting life of the individual whose late untimely death<sup>1</sup> we have all been left to deplore. I may in passing take this occasion to express to you the pleasure I felt on learning your determination to collect and throw into the form of biography the many interesting incidents connected with the first settlement of Texas, and its various succeeding interests, in all of which the deceased is known to have borne so conspicuous a part.<sup>2</sup> For such an undertaking the present seems plainly

<sup>1</sup>Austin died December 27, 1836, while secretary of state of the Republic of Texas.

<sup>2</sup>The reader will perceive from this letter that General Lamar was planning to write a book. The scope of his efforts contemplated a life of Stephen F. Austin and a history of Texas. It was not his good for-

to be the most propitious time that could have been chosen,—as there are many persons yet living among us, from whom information of the greatest value for your purpose may now be derived and whom a few years of the ordinary course of Nature may remove beyond the reach of enquiry. I may add, too, in support of your undertaking an assurance I feel of the interest its successful execution can not fail to excite in all minds that have a relish for the achievements of enterprise and a turn to contemplate with curiosity and pleasure the rude beginnings of infant settlements—their progressive improvements, and final advance to the condition of States.

As you are no doubt well informed of the circumstances which called the subject of the *Life* you are writing to the City of Mexico, with his long stay there, on the business of his mission—its unsuccessful termination, and the cause of his subsequent arrest at Saltillo, on his way home, it will be unnecessary for me to go into any detail of these particulars—my purpose being merely to give you in this account what I know of the treatment he received, from the time of his arrest at Saltillo up to the time of his final release in Mexico.

As he informed me, on the occasion of his arrest, which I think took place some time in Jan<sup>y</sup> 1834, he was unable to learn from any source whatever, the particular cause which had led to so unexpected a procedure and was consequently left to conjecture merely what it might be. The officer, who came to take custody of his person, could only inform him that he was acting in obedience to the orders of the Vice President, Farias, then Acting President of the Republic, which, as he said, were to conduct him back to Mexico and deliver him over to the authorities there. This was accordingly done after a journey of some twenty-five days, over a distance of about 700 miles, passing somewhat out of the direct way to Mexico.

On his arrival there,<sup>2</sup> he was taken to the famous prison of the Exquisition, in front of which he sat upon his horse for some time,

tune to complete either; but as a monument to his patriotic efforts he bequeathed to posterity the large collection of historical manuscripts, now known as the Lamar Papers, of which this letter forms a part.

<sup>1</sup>January 3, 1834.

<sup>2</sup>February 13, 1834.

exposed to the gaze of the multitude in the street, awaiting the despatch of orders for his admission into one of the cells of that gloomy edifice. He was presently delivered over to one of the officers of the prison, and conducted through many dark and winding passages to an interior apartment which, he was informed, had been appropriated to receive him. It was a room without any other light than that which came in from above, through an aperture, which was kept open, only for a few hours during the day.<sup>1</sup> Here he remained for three months in solitary confinement, without books, writing materials or any other means being allowed him, to relieve the tedium of existence through the dull hours of captivity. His only employment as he informed me, during the few hours of light, he was permitted to enjoy during the day, was to draw with a fire coal upon the wall, as well as he could, rude outlines of interesting landscapes he remembered to have seen, and now and then, with his penknife and a few sticks putting together rough models of whatever came into his head of easy imitation.

During all this time no intimation was made to him of the cause of his confinement, or of any formal prosecution going on against him, for the offence he might be supposed to have committed. At the end of the time before mentioned, Sant Anna coming up to Mexico, and resuming the reins of Government issued an order for his removal from the prison of the Exquisition and transfer to another (the Acordada) in a different part of the City. Here he was placed<sup>1</sup> in an apartment which was comparatively comfortable, having for society a fellow prisoner, and enjoying the further privilege of communication with his friends and such other persons as might choose to call and visit him. Without any material change such continued to be his condition for many months—in which time he wrote to his friends in Texas a few letters giving some account of the circumstances of his confinement, in mild and uncomplaining terms, particularly requesting that there should be no excitement got up among the people on his account, but, on the contrary, that all should await patiently and tranquilly the disposition of the Government, upon

<sup>1</sup>In the Prison Journal will be found a diagram of the prison and some description of Austin's cell. See THE QUARTERLY, II.

<sup>2</sup>June 12, 1834.

his case, which he appeared to think with tolerable confidence, would soon have a favorable termination. Such was in substance the character of the first few letters he addressed to his friends about this time; but there was one which came into my hands, about the last of July of the year '34 in which though he expressed no particular impatience or distress at his condition, seemed, I thought, to breathe a kind of suppressed feeling of mortification, that he had been permitted to remain so long in prison, and among strangers, without receiving any notices of kindness from his friends or manifestations of interest for his fate. This it must be owned was a natural feeling for him to entertain, and yet it is but justice to the people of Texas, to say that they had been lulled into this inactivity and apparent indifference, through the influence of his advice, which recommended mildness and forbearance on their part.

It was this letter which determined me to make the offer to his friends of my service of going on to Mexico, and bearing to him the consolations of our personal sympathy at least, if no other good;—Mr. Spencer H. Jack who was present agreeing to accompany me. It happened about that time that Colo[nel] Almonte, now so well known to the people of Texas, was passing through the country in the character of a Commissioner, principally no doubt to observe and report upon the apparent dispositions of the people, toward the Government of their adoption. This it is natural to suppose was the object, since we knew that he was despatched from Mexico, about the time of Genl. Austin's arrest at Saltillo, which was no doubt predicated upon suspicions that were entertained of his loyalty and future intentions, the letter<sup>1</sup> which he wrote from Mexico—under date of Oct. [2] '33 to the Ayuntamiento of Bejar recommending the organization of a State Government, without the consent of the general congress, having been interpreted by the *rules of Spanish logic*, as meaning no less than a move for Independence. I took at the time the first opportunity to solicit a conversation with Colo[nel] Almonte, on the subject of Gen. Austin's imprisonment—the causes of it, and the probabilities of his release. He frankly acknowledged to me that he saw no sufficient reason for his longer detention; and on my telling

<sup>1</sup>A copy of this letter is appended to Austin's *Explanation*, etc., in THE QUARTERLY, VIII, 256, 257.

him that I thought of going on to Mexico, with a view to do all the little in my power toward effecting his release, he gave it to me as his opinion that such exertions would have a favorable effect, and that for his part, on his arrival at Mexico, he would cheerfully co-operate to the same end;—a pledge which it is proper I should acknowledge he faithfully redeemed. In a few days thereafter, Mr. Jack and myself accordingly set out for Mexico, taking with us addresses to the President Sant Anna from the various Ayuntamientos of Texas, soliciting the release of our fellow citizen. Passing through Monclova, then the seat of Government of the State of Coahuila and Texas, we obtained through the influence of Don Juan Padilla, a known and well tried friend of the Colonists, at the time Secretary of State, an urgent address from the Governor, to the President, to the same effect.

On our arrival at Mexico, which we reached on the 15th of October, we laid those various addresses before his Excellency Genl. Sant Anna.

On enquiring for our friend Genl. Austin, we found that he had now been removed to still another prison of the City—where his condition was in no material respect different, from what it had been in the one he had last left. We had no difficulty in procuring admittance to the room in which he was confined; with some three other prisoners who were Mexicans.

The delight he experienced on seeing us may be more easily imagined than described, as he was now convinced that there was at least some sympathy felt for his condition, on the part of those from whom he had naturally a right to expect it, however poor might be the prospect of any relief at their hands. After much conversation on various matters, I asked him to inform me what was the nature of the charge or prosecution against him, and what the law, which it was said he had offended. He replied . . .<sup>1</sup> that on that subject he was as entirely uninformed as myself, that he had not seen an official paper of any kind whatever relating to his case, and that he merely supposed, his letter to the Ayuntamiento of Bexar, before referred to, had been the cause of the proceeding against him. It is worth while to observe that he had now been confined about 9 months.

The first thing we thought it most prudent to attempt was

<sup>1</sup>At this point there is a hole in the manuscript and a word is lost.

merely to procure his release on bail. This could only be effected by the exertion of personal influence with the Judge, before whom his case was now in some sort pending, jurisdiction of it having been declined previously, as I understood, by one or two functionaries of that class.<sup>1</sup> It is needless to detail here, the various efforts that were made to influence the Judge to grant bail to the prisoner. Whilst these means were being employed, the papers of the cause as it was called, we[re] brought and delivered to the accused in compliance with the form usually observed in such matters.

On examination they were found to be a huge mass of documents, if indeed such stuff deserved the name, a great part of which purported to be evidence. Much of this evidence, to our surprise we saw consisted of floating and indefinite rumors that had been reduced to *writing* and thus made to assume a more imposing form. Among other things of this sort, I remember there was a letter, which had been written by an unknown writer at Matagorda, during the time of Genl. Austin's confinement, to the Editor of a newspaper in New Orleans in allusion to his case, as connected with the affairs of Texas generally—now formally translated into Spanish and made to cut a serious figure in the prosecution. Of a character in no degree more relevant, was all the rest of the evidence which came under my observation.

We looked in vain for any paper in the nature of an Indictment, which might present the precise form and substance of the accusation. Everything was left to be guessed at and gathered, as one best might, from the chaos of papers such as I have described them. Which had all been manufactured, in the spirit of the Inquisition, entirely *ex parte*.

<sup>1</sup>"I remained in the inquisition until the 12th of June, when the military tribunal, to whom my case was referred, decided that they had no jurisdiction over it; and I was removed to this prison [Acordada], and my case delivered over to a civil tribunal, or *jour de letras* [*Juez de letras*], in whose hands it slept until the 12th of August—when he decided that he had no jurisdiction over it; and it was then sent to the federal district judge, who soon despatched it, by deciding that he had no jurisdiction over it, as I did not reside in his district. The matter was then sent to the Supreme Court of the United Mexican States, in order for them to decide what court or tribunal ought to try me; and there the case rests at present. So that after eight months, I do not know as yet, what court is to investigate my case."—Austin to Perry, August 25, 1834, in Edward, *History of Texas*, 212-213.

The cause however had been thus sent to the prisoner, that he might be enabled to make out his answer or Defense. This he employed an Advocate to do for him—it was accordingly done—and as I think in a very able manner.

Of this Gentleman who was an advocate of much note in the City I remember we enquired the *Law* upon which the prosecution was proceeding. He frankly told us that he did not know it himself; remarking that neither he or any one else could say with any certainty what was *Law* in Mexico either in civil or criminal matters—that a Congress, shortly after the close of the revolution, had passed a statute declaring that all laws previously in force, which were inconsistent with a republican form of Government were thereby repealed, whilst all that were not so, should continue in force.

It is easy to conceive the uncertainty of practice, necessarily attending so undefined a state of the *Law* as this.

Through all this uncertainty however, and after much delay, bail was granted upon high security on the 25th December and the accused set at liberty within the bounds of the City.

He who was accepted as security was a wealthy Mexican of the City, by the name of Pascual Villar. The American Consul Doctr. Parrot generously offered his name which was however not required.

The discharge on bail, we were disposed to regard in substance as an acquittal;—in a country where mere rumor and suspicion stand in the place of legitimate evidence, and imprisonment for an indefinite period, at the pleasure of the Government, is the only means relied upon for securing the person of any one they expect to punish.

These things wore a startling and monstrous appearance to us who have been accustomed to see criminal law administered with so much indulgence to supposed guilt; everything previous to trial being done on the liberal presumption of innocence till the contrary appears; whilst in Mexico, the opposition presumption prevails, and the party is taken for guilty until he proves his innocence. Such a proceeding as that under our Habeas Corpus, being so entirely at war with the whole spirit of their Criminal Jurisprudence, has of course never been dreamed of.

To my mind all their proceedings in criminal matters at least,

bear evidently the stamp of the Inquisition which in Spain [?], upon mere rumor or suspicion no matter how vague or irrelevant, was in the practice of carrying on the greatest prosecutions by ex parte management, in the absence of the accused—oftentimes whilst he was pining in prison, ignorant of all that was going on against him.

From a Government deformed with such a system of Laws as this I have here given you a notion of, it has been our fortune to separate; a consideration which should incline us all I think to bear with the greater patience, the inconveniences and ills, which our new condition may bring upon us.

A few more words will suffice to close this account. Immediately after Genl. Austin's discharge on bail, suitable efforts were made to bring the cause to a final hearing, but this could by no means be effected; as the Judge fearing, no doubt the imputation of partiality to foreigners, and thinking perhaps he had already done enough for Justice, declined for the time, any further action on the matter.

It happened fortunately about this time, that the Congress of the Nation convened<sup>1</sup>—and passed after a discussion and delay of some months an Amnesty Bill as it was called: which had the effect of doing away all political offenses that had been or were supposed to have been committed up to a given period. In the meanwhile Genl. Austin had written a clear and lengthy exposition<sup>2</sup> of the affairs of Texas, in which he successfully vindicated not only his own motives and conduct but those also of his fellow citizens the Colonists. This Exposition was printed in pamphlet form, and distributed among the members of Congress and most other dignitaries of the Government. It made I do not doubt, a very favorable impression; as, when the Amnesty Bill came out, there was no exception in it as to him.

The consequence was that after a good deal more perplexity with the Judge, he obtained his complete discharge, which took place I think some time in June, following his liberation on bail.

Soon after this, providing himself with a passport he took the stage from Mexico, to return home by the way of Vera Cruz.

<sup>1</sup>January 4, 1835.

<sup>2</sup>It is dated January 18, 1835. A translation of this pamphlet is printed in THE QUARTERLY, VIII, 232-258.

Arriving at the latter place, he encountered a new, and unexpected difficulty, from the Commandant of the military there, who peremptorily informed him that he could not yet be permitted to leave the country. That officer persisting in his arbitrary position, Genl. Austin made a visit to the President Sant Anna, who was then at his Hacienda about five leagues distant from Vera Cruz, and representing to him the obstruction offered to his departure, obtained from him a peremptory order to the Commandant, to permit his free egress from the country.

This difficulty being removed, he immediately went on board a vessel bound for N. Orleans where he arrived some time about the 10th of August—and where, happening to be myself at the time I had the pleasure of meeting him.

I can not conclude this account without bearing testimony to the extraordinary patience and forbearance with which he endured the long delays—vexations and sufferings which attended him during his stay in Mexico. He seemed, by a great effort to have formed his mind to the necessity of his condition, in so much that during all the time I spent with him, which was near four months, I do not remember to have heard him use an intemperate expression of any kind with respect to any person or circumstance connected with his imprisonment. As I was in the habit of visiting him in prison, daily, I had the best opportunity of observing the amiable character of his disposition—as well as his unexampled patience and fortitude.

From what I have here written hastily and imperfectly I hope you will be able to extract enough for the purpose you have in view.

Very respectfully,

Yr Obt Servt.

P. W. Grayson.

The Honble.

M. B. Lamar.

## NOTES AND FRAGMENTS.

RECORDS OF THE MISSION OF NUESTRA SEÑORA DEL REFUGIO.—It has been supposed by writers that the mission of Nuestra Señora del Refugio, more commonly called the mission of Refugio, situated near Copano Bay, Texas, ceased to exist as an active mission as early as 1812. But the discovery of two original record books of this mission in the archives of the parish church of Matamoras, Tamaulipas, shows that this supposition is incorrect, and that, on the contrary, the mission continued in operation till 1828.

One of the books referred to is a record of baptisms from 1807 to 1828, while the other is a record of burials from 1807 to 1825. They are bound in leather and are in a good state of preservation. The tradition is that they were taken to Matamoras during the Texas revolution, which is an altogether plausible explanation when we know from positive evidence that important secular records were taken there from Goliad at that time. It is not improbable that the reason why they have remained at Matamoras till the present is that it has been erroneously supposed, through a confusion of names, that they related to the parish church where they are preserved, whose early name was Nuestra Señora del Refugio de los Esteros, or, more commonly, Nuestra Señora del Refugio.

The cover-title of the book of baptisms is "Libro No. 2. 1807. Bautismos. Confirmaciones del Año 1868." The inside, and correct, title is "Libro II de Bautism[o]s Hechos en la Mision de Ntra. Sra. del Refugio de la Bahia Desde el año de 1807." The record shows 214 baptisms, the earliest being April 21, 1807, and the latest February 21, 1828. A number of the persons baptised were Spaniards. A note on folio 35 states that "all of the baptisms made after the ninth of July, 1824, were performed at the Parochial Church (*la Parroquia*) of la Bahia, because the Minister could not remain in the Mission, on account of the hostilities of the Comanches." The implication is plain that up to July 9, 1824, the mission activities were conducted at Refugio, and that thereafter until February, 1828, the mission continued to exist, but that its functions were performed at Bahia (Goliad).

The cause of the abandonment is seen to be the Comanche depredations. Baptisms are shown for every year except 1826. The average number for the twenty-one years was slightly more than ten per year. The period of greatest activity was between 1808 and 1819, when the average was about fifteen baptisms per year.

Lest it be supposed that the persons baptized were all children of survivors of a long dead mission, it may be noted that a considerable percentage up to the last were children of "gentiles," fresh from the woods. The tribes represented were the Carancahuases, Pihuiques (Piguiques), Copanes, Huapites (Coapites), Pamaques, Cujanes, Malaguities, (Malaquites, Malahuites), Pajalaches, Tobosos, Cocos, Xaranames (from the mission of Espíritu Santo), and Lipanes.

The title on the cover of the book of burials is, strangely enough, "Entierros, Mision Mision (*sic*) de Ntro. Padre Sor. S. José de Camargo. XX. No. 4." The inside, and correct, title is "Libro II De Entierros. Hechos en la Mision de Ntra. Sra. del Refugio de la Bahia Desde el año de 1807." It contains 157 entries, between May 16, 1807, and Nov. 18, 1825. A number of these, as of the baptisms, were of Spaniards. When we note that twenty-seven of the one hundred and seven, or one-fourth, of the persons buried during the last eleven years were killed by the Indians, we can understand that Indian depredations furnished a sufficient reason for deserting the unprotected mission. Fifteen of these twenty-seven, buried in 1814 all at one time, were persons killed at Rancho Diexmero, on the Nueces.

From the signatures affixed to the records we learn the names of the missionaries in charge of the congregation during the period covered. Most of the baptisms and burials between 1807 and 1817 were performed by Fray José Manuel Gaitán, "minister of this mission of Ntra. Sra. del Refugio." Fray Juan Maria Sepulveda signed entries in 1810 and 1811. An entry shows that this father died and was himself buried at Refugio on June 28, 1815. At the time of his death he was minister of the mission of Espíritu Santo de Zuñiga, and was about thirty-four years of age. In 1817 and 1818 some of the entries were signed by Fray Antonio José Diaz De León. After 1818 all of the entries were signed by Fray Miguel Muñoz.

These brief notes have been prepared from much fuller ones

with the hope that they may supply welcome information regarding the little known Refugio mission at the same time that they bring to light these precious records of the Old Regime. It will be observed that each of the books is No. II of a series. The earlier ones, covering the period from 1791, when the mission was established, to 1807, were not found.

HERBERT E. BOLTON.

---

IMANUEL FREDERICK GIBENRATH, THE GERMAN DRUMMER OF GOLIAD.—[The following sketch appeared in the *Houston Post* of July 31, 1910.] When volunteers were being enlisted in Kentucky during the fall of 1835 for the assistance of the Texans in their revolt against Mexico there was in the city of Louisville a young German named Imanuel Frederick Gibenrath. The place which gave him birth was Wittenberg, and there he had left his wife, two little girls, the younger still in infancy, when, a few years before, he had emigrated to America, the land of promise.

Having landed first at Baltimore, he there made acquaintances and friends, but the spirit of adventure beckoned him toward the West, and in the city of Louisville, Kentucky, he found profitable employment in a factory. He was eagerly looking forward to the time when his earnings would permit him to send for his family to join him. But a call was made for volunteers to aid the liberty-loving Texans, a vision of a fairer land arose before him, his martial spirit took fire, he had served in the army of his fatherland as a drummer boy, and his skill with the flying sticks now did good service in calling together volunteers. He joined one of the companies and marched with his young comrades to Texas. How the merry music of his drum quickened their steps on the long and tedious march, how its rumblings and bellowings seemed to tell of coming battle and its thrilling reverberations sounded the note of certain victory!

History tells us nothing of his adventures on the way, whether he entertained hopes or fears, but we find on one of its bloodiest pages the record that among the dead who were massacred with Fannin at La Bahia on that memorable Palm Sunday, 1836, was Frederick Gibenrath, a member of Captain Peyton S. Wyatt's company, Oliver Smith in command.

How brief the record of many a gallant soldier's fate: "Dead on the field of honor."

In the city of Goliad, in Fannin Park, there stands a noble marble shaft; on the north side is engraved the battle cry of San Jacinto, "Remember the Alamo! Remember Goliad!" on the west, "Independence declared March 2, A. D. 1836, consummated April 21, A. D. 1836"; on the south, "Fannin; erected in memory of Fannin and his comrades"; and on the east, "Massacred March 27, A. D. 1836." It forms at once an epitome of history, and the epitaph of the German drummer and his companions, whose bodies, after lying for more than two months unburied, were deposited with military honors near the old mission church of La Bahia.

When the widow of Imanuel Frederick Gibenrath, with her two children, reached Texas in 1839, she met and talked with men who told her particulars of the last days of her husband. One said that Gibenrath foresaw that the Mexicans were deceiving the Texans, and told his comrades that they were going to be butchered instead of being paroled, as they had been led to believe. Among articles picked up on the field of slaughter were pieces of brass bands of the drum of the German drummer, which were given to his widow and cherished by her as a precious memento.

After her husband's death, Mrs. Gibenrath, whose maiden name was Christina Johanna Hildwein, was married to John Frederick Hassmann, and she died in Houston many years ago. Her two children, daughters of Gibenrath, grew to womanhood, and the elder, Rosanna Balistier, died in New Orleans at the Little Sisters of the Poor, an institution which she had assisted in founding; the other, Katharine Gibenrath Hooker, now in her eighty-first year, lives in Houston at the home of her grandson, George Allien.

Mrs. Hooker was married four times; her first husband was Frank B. Allien, the father of Captain Fred Allien, a well known citizen living at Morgan's Point.

Mrs. Hooker has passed through many thrilling scenes. Living in New Orleans during the war between the States, she was under military surveillance while the Federals were in possession, and her ardent Southern feeling subjected her to danger of arrest on several occasions. Her familiarity with four languages, German, English, French and Spanish, combined with her ready wit, en-

abled her to extricate herself from severely trying situations at this period.

She is still strong and lively in spite of her four score years; her life has been full of good work; many a sick bed has she tended; many a helpless orphan has she soothed and cared for; after all the trials of her long and varied life she still wears a cheerful smile, and her heart beats in sympathy with the young and hopeful. As the daughter of a man who gave his life for Texas, and the widow of Mr. Hooker, a Confederate soldier, she is identified with two important epochs of this country's history. Scores of family letters written in German and yellow with age, which she carefully treasures, tell of the Gibenraths and the Hildweins for many generations away back in Suabia, but her pride centers on the Gibenrath, her father, who was one of "Fannin's men" and a Texan.

ADELE B. LOOSCAN.

---

PROFESSOR JOHN A. LOMAX, of the University of Texas, is collecting Folk-Songs of the United States, and would appreciate assistance from members of the Historical Association. "Whenever," says Professor Lomax, "people, from whatever cause, live for a time in primitive isolation they make songs that reflect the feelings of the whole community. Such songs also spring up from groups of unlettered men following a particular occupation, especially one that calls for supreme physical effort. In most cases the authorship can be traced to no one person. The songs are perhaps rarely written out, and less seldom find their way into print. They are often crude in form and matter, sometimes vulgar, but always interesting as a reflection of the intimate life of the people. These are the Folk-Songs, either handed down by 'word of mouth' from generation to generation, or entirely submerged in the rush of progress or lost through the dominion of the newspaper."

Types of the ballad in which he is interested are the lumber songs of the Northern forests, sailor songs, mining songs, army songs, fishing songs, cowboy songs, negro songs, etc., etc. He has already more than a hundred cowboy songs, and thinks that his collection is far from complete.

Professor Lomax particularly desires information concerning the romance of "Mustang Gray," and wishes to complete the Texas revolutionary ballad which begins:

To Houston at Gonzales town  
Ride, Ranger, for your life;  
Nor stop nor stay  
This day to say  
Good-bye to child or wife.

---

Judge Z. T. Fulmore, whose sketch of General Volney E. Howard appears in this number of *THE QUARTERLY*, is preparing a volume, which will be published during the winter by Rand, McNally & Company, giving in compendious form the history of the county names of Texas.

---

Mrs. Adele B. Looscan is preparing for *THE QUARTERLY* a history of Harris county. It will be based largely on the records in the country clerk's office. This is an important phase of local history, and it is to be hoped that other members of the Association will take up the work in their own counties.

## AFFAIRS OF THE ASSOCIATION.

The passing of Dr. George Pierce Garrison, the senior member of the Faculty of the University of Texas and head of the Department of History, is one of the severest losses that the state of Texas could have sustained. He was equipped by nature for the wonderful study of history. He was broad-minded, liberal, understanding personal values, at the same time sympathetic and keenly observant.

As the author of several volumes on various periods of American history, of a most attractive and resourceful volume "Texas"; as editor of two large volumes of the "Diplomatic Correspondence of the Republic of Texas," and as an explorer of the archives of Mexico and of Texas, he has contributed to our historical treasures as no teacher or student before him has done. He was the leading spirit of the Texas State Historical Association and editor of *THE QUARTERLY*.

He was an excellent judge of human nature—an indispensable quality in the successful teacher—making due allowance for all of its frailties, as well as giving full appreciation for its strength.

Few men in the South were as well prepared from the standpoint of scholarship. His educational opportunity in this country and in Europe was of the best, and he held high place in the estimates of his fellow educators.

In the class-room his dignity, quiet reserve, but positive interest in each individual student, impressed every member of the class with the feeling that his privilege to be present in that particular class on that particular day was a very valuable one. Always genuine, full of a kind understanding of the overzealous student, or the one of passive interests, he made his presence felt and remembered.

His students, as they passed from his class-room, kept their places in his affectionate regard, and his interest followed them wherever their duties called. Busy as he was, he constantly assisted the absent ones who were inclined to follow up historical work after leaving the University.

He was a blessing and a strength, and well may the hundreds

of students of the University of Texas place a memorial to their dear friend. Let those men and women who have profited by his training honor themselves by expressing their appreciation of him in some noble, substantial form.

I am grateful for the opportunity to have been his student, to have followed his wise guidance, and to have enjoyed his friendship.

Such lives do not end, for such service as he gave is eternal, and the good which he accomplished will be felt by the uncounted hundreds, who, in the years to come, will have the advantage of studying history in our University. The direction which he gave to this department will be felt every day that the University exists.

KATIE DAFFAN.







PROFESSOR GEORGE PIERCE GARRISON

# THE QUARTERLY

OF THE

## TEXAS STATE HISTORICAL ASSOCIATION

VOL. XIV

JANUARY, 1911

No. 3

*The publication committee and the editors disclaim responsibility for views expressed by contributors to THE QUARTERLY*

### GEORGE PIERCE GARRISON

H. Y. BENEDICT

On July 3, 1910, at his home in Austin, George Pierce Garrison died of heart disease. For over a year his health had been gradually failing and he had been coming slowly to a realization of the fact that his labors were exceeding his powers of endurance. Planning to work less arduously as soon as he could dispose of the second volume of the "Diplomatic Correspondence of the Republic of Texas," which he was then engaged in editing, he was overtaken by death with the proofs of the volume upon his desk. His immediate task was nearly done, but, dying at the age of fifty-six, it can hardly be said that his life work had rounded to a perfect close. Had he been spared, his character and his influence would have continued to benefit the University of Texas, and his learning and industry would have continued to illumine the history of our country. Unfortunately, in place of his active presence, the memory of him alone now serves to guide and inspire.

George Pierce Garrison was born December 19, 1853, at Carrollton, Georgia. His father, Patterson Gillespie Garrison, and his mother, Mary Ann Curtiss Garrison, were Georgians of Georgian descent. His early experiences differed in nowise from those of the average Georgia boy of the period. He retained a pretty vivid recollection of war time and the accompanying privations, along with a considerable knowledge of negro life and character.

His early schooling was obtained at Sewanee College, Win-

chester, Tennessee, and at the Carroll Masonic Institute, Carrollton, Georgia. Struggling to make a living and to acquire an education, he came to Texas in 1874, where he taught school in Rusk and adjoining counties for five years. In 1879 he went to Scotland, and took the degree of L. A. (Literate in Arts) from the University of Edinburgh in 1881. Returning to Texas, he married Miss Annie Perkins of Rusk county in November, 1881, and taught school at San Marcos until the spring of 1882, when failing health forced him to quit teaching. He moved to a ranch in Hays county and busied himself with outdoor labors. His health improving, he accepted in 1884 an instructorship in English literature and history in the young University of Texas. He was made an assistant professor in 1888; an adjunct professor in 1889; an associate professor in 1891, and professor of American history in 1897.

Tuberculosis, which attacked him in 1882, seriously threatened his life in 1889. Partly by medical treatment but mainly by sheer will power he overcame this disease so thoroughly that his later years were free from the shadow of it.

In 1896 he took the degree of Doctor of Philosophy at the University of Chicago, and in 1910 Baylor University conferred upon him the honorary degree of Doctor of Laws. The death of Judge Gould in 1904 made Professor Garrison in point of service the senior member of the faculty of the University of Texas.

Professor Garrison was one of the founders of the Texas State Historical Association and was editor of *THE QUARTERLY* from its beginning in 1897 until the time of his death. To his care *THE QUARTERLY* owes much of the reputation which it has acquired among historical publications in this country. He was a member of the American Economic Association, of the American Academy of Political and Social Science, of the American Historical Association, and of various local clubs and associations. He was for several years a member of the Executive Council and of the Historical Manuscripts Committee of the American Historical Association, and at the time of his death he was chairman of the new Library and Historical Commission of Texas.

For several years Professor Garrison was a member of the school board of Austin. He took an active interest in local affairs as well as in those of Texas and the United States. He

was for years a member of the Methodist Church, and had much to do with the building of the University Methodist Church in Austin. His relation to his family was almost ideal. His mother, his wife, two sisters, and four daughters survive him.

Such in brief is the bald outline of a life almost heroic. His writings, most of which are familiar to the readers of *THE QUARTERLY*, will be found listed below. They have been received with favor by competent critics, they have won for their author a respectable place among American historians, and they speak for themselves. Professor Jameson has said of him, "It is not too much to say that he exerted more influence than all preceding students had ever exerted," on the history of Texas. He availed himself of all the known historical records and sources, and nothing but the discovery of new material can seriously disturb the conclusions that he reached. Out of his class room have come a number of young Texas historians who are trained in the best methods of modern investigation and who are destined greatly to elucidate the history of Texas, of the South, and of the nation. Their work, and his, form his epitaph as an historian.

But the man was greater than his works. In him the scientific historian was ever subordinate to the patriotic citizen. He studied and taught history with unflagging zeal because he firmly believed that it revealed an unceasing moral purpose running through the ages, because he thought that the experience of the past could be profitably brought to bear on the problems of the future. He was an historian because he was a public-spirited man who firmly held that an insight into the experience of our race would greatly broaden and benefit each succeeding generation.

In this feeble effort to do justice to his memory, it is needless and impertinent to attempt to take his measure as an historian, and it is far better to lay stress upon what he was rather than upon what he did. It is well to do great things but better still to be great. Yet it is no easy task to describe him as he was. A modest, patient, prudent, brave, and kindly man he was, whose demerits were few and small and whose virtues were so thoroughly blended into a fine character as to give but little place for light and shade in picturing him. Only a friendship extending over many years justifies the poor attempt here made to convey some notion of the merits of the man to those who knew him not.

The most salient feature in his life was his power of continual growth. Throughout his life he increased in moral insight and intellectual power, and at his death he was a broader man in every way than he had ever been before. It is the sad fate of most men to stop advancing at relatively early years, but in his case the advance continued to the end at an increasing rate. His progress in youth was greatly retarded by adverse circumstances. He was twenty-six years of age before he entered the University of Edinburgh, and he had money enough only for two years of study there. Attacked by tuberculosis at the age of twenty-nine, for eight years he fought a life and death struggle, winning because he possessed an indomitable spirit. So it came to pass that, beset by disease and poverty, he reached his fortieth year before he found it possible to begin his historical studies in real earnest. These long years of struggle brought out the man that was in him, and, his disease conquered, the last fifteen years of his life were years of great progress and increasing usefulness.

Although a gentle and tolerant man, desirous of finding good in all men and little prone to severe judgments, he possessed all the rigor of an old Puritan and all the firmness of a granite rock when it came to compromising with evil. In cases involving morals he carefully decided upon the course to pursue or the judgment to adopt, and, his conclusion made, nothing save new facts could bend him from it. His desire to reach a correct conclusion sometimes delayed action, but the action, when it came, was always without fear or favor. He once said, half in jest and half in earnest, "I am moved neither by tears nor guns." He combined in a remarkable manner an absolutely inflexible morality with a just appreciation of the weakness of human nature. Slow to form an opinion, sure to look carefully at all the aspects of a situation, accustomed to balance probabilities, versed in the intricacies of human nature, Professor Garrison had many of the qualifications of a great historian.

As a teacher he was highly regarded by his students, and he had the great power of coming into sympathetic personal contact with a very large number of them. He held that the first duty of a state university was to produce intelligent and patriotic citizens, and he tried to teach history so as to make his students worthy members of a democracy, a democracy seeking justice and as mind-

ful of duties as of rights. He was clear in exposition, interested in students and their lives, ever animated by a noble purpose; therefore one is not surprised that both the negligent and the diligent thought well of him. He insisted that education must reach every human capacity, must fit for life, but not for life in a narrowly utilitarian sense.

It is obvious to those who have read his books that Professor Garrison possessed an excellent command of the English language. As a speaker he was effective, possessing a good voice and a pleasing presence. In making impromptu addresses he was often particularly happy as is evidenced by his admirable and partly unpremeditated reply (fortunately taken down at the time and printed in Volume IX of the *University of Texas Record*) to the felicitations showered upon him at the dinner given in his honor at the Driskill Hotel in 1909. His written style is careful and logical, abounds in passages of real literary merit, and is garnished here and there with quiet humor. He had a most extensive knowledge of the English Bible, an accomplishment all too rare in this generation, and could quote accurately many verses and several entire chapters. He was well read in English literature and was not unacquainted with the literature of antiquity. Through life he retained a fondness for good poetry, and in his youth he wrote a few verses himself. One of his lesser accomplishments was an ability to sing negro songs after the old plantation fashion, and by doing so he sometimes surprised people who knew him only in his professorial capacity.

Southern by birth and sympathy and warmly appreciative of all that was good in the civilization of the old South, Professor Garrison was always singularly dispassionate in his view of all questions relating to the Civil War. He did much to defend the South from accusations based on defective historical knowledge, but he regarded the war as a necessary step in the welding of the United States. He knew that the progress of civilization had altered and would continue to alter the relations originally existing between the states and the federal government. For the Constitution and the Judiciary he had an intelligent appreciation, but he did not regard either as incapable of improvement. While not unmindful of the benefits to be derived from a proper organization of governmental machinery, he maintained that the liberty and welfare of

a people depend more upon its own intelligence and virtue than upon paper constitutions or particular governmental forms. Long study of the governments of Great Britain and the United States finally led him to the conclusion that the American system of checks and balances was in many ways developed to such an extent as to interfere with good government and check the free development of democracy. He came to believe in placing a good deal of power in the hands of public officials and in then holding them to a strict and frequent accountability to the voters. He therefore viewed with favor the British cabinet system and the commission form of government in our American cities. He regarded the obviously waning prestige of the states as compared with the growth of federal power as an inevitable process brought about by the progress of mankind. He was, however, a firm believer in local responsibility and in local self-government in local affairs, and thought that the proper division of power between the various local governments and the general government was rather a question of business administration than a proper subject of violent partisan controversy. He followed with keen interest the growth all over the world of the power of our race to govern itself wisely and justly. In those controversies that will probably continue to agitate the world during the twentieth century, he took the part of those who regard the rights of man as superior to the rights of property. Though he was attached to Texas as few men are, his patriotism was not provincial. He was more an American than a Texan, and as an American he did not shut his eyes to the merits of other nations or to the evils that flourish amid the good in our national life.

By temperament and training, Professor Garrison was a man of deep religious instincts. Although he accepted many of the more radical results of biblical higher criticism and although he was thoroughly convinced of the substantial truth of the evolutionary conception of the universe, he found it possible in all sincerity to remain a faithful member of an evangelical church. This he did not only because he regarded the Christian church as the greatest means of individual and social regeneration but also because he believed that the essentials of Christianity are so profoundly true as not greatly to need the help of much detailed historical evidence. A reverent man, loving truth, he looked with clear

vision upon the universe and found there progress and a moral order. He knew that a diligent study of nature and man, coupled with an earnest effort to carry out the precepts of the Son of Man, would lead men near to the footstool of the Most High.

In attempting to describe the character and opinions of an educated man, one feels the inadequacy of words. Because example is better than precept, it has been the custom of biographers to depict rather by incidents and anecdotes than by labored exposition. In this account the temptation to relate certain interesting and illustrative events in the life of Professor Garrison has often arisen. But many such details are needed to give a just idea of a man, and it has been thought better here to seek emphasis by means of brevity.

In bringing this inadequate account of my friend to an end, the sadness produced by his untimely death and by my own sense of personal loss is deepened by my inability to make plain the worth of him to those who did not know him. Let us therefore measure him by his aspirations, which are to be found accurately expressed in these noble words that he loved to quote from Tennyson's "Ulysses."

"But something ere the end,  
Some work of noble note, may yet be done,  
Not unbecoming men that strove with Gods. . . .  
'Tis not too late to seek a newer world.  
Push off, and, sitting well in order, smite  
The sounding furrows; for my purpose holds  
To sail beyond the sunset, and the baths  
Of all the western stars, until I die.  
It may be that the gulfs will wash us down;  
It may be we shall touch the Happy Isles,  
And see the great Achilles, whom we knew.  
Tho' much is taken, much abides; and tho'  
We are not now that strength which in old days  
Moved earth and heaven, that which we are, we are—  
One equal temper of heroic hearts,  
Made weak by time and fate, but strong in will  
To strive, to seek, to find, and not to yield."

## PROFESSOR GARRISON'S WRITINGS

## BOOKS

*The Civil Government of Texas.* Philadelphia. Eldredge and Brother. 1898.

*The History of Federal Control of Congressional Elections.* St. Louis. The Christian Publishing Company. 1900.

*Texas: A Contest of Civilizations.* Boston. Houghton, Mifflin and Company. 1903.

*Westward Extension* (Volume XVII of *The American Nation*). New York. Harper and Brother. 1906.

*Diplomatic Correspondence of the Republic of Texas.* 2 volumes. Volume I is *Annual Report of the American Historical Association, 1907, II*; and volume II is *Annual Report of the American Historical Association, 1908, II* (in press). Washington. Government Printing Office.

## ARTICLES

"Another Texas Flag," *THE QUARTERLY* of the Texas State Historical Association, III, 170-176. "Guy Morrison Bryan," *Ibid.*, 121-136. "Richard Montgomery Swearingen," *Ibid.*, 225-231. "The Summer School Movement," *The University of Texas Record*, II, 269-274. "University Traditions," *Ibid.*, III, 112-118. "Address at the Installation of President Houston," *Ibid.*, VII, 42-45. "Historical Address at the Inaugural of President Mezes," *Ibid.*, VIII, 261-278. "Address at the James B. Clark Memorial," *Ibid.*, IX, 125-128. "The Lot of the Reformer," a faculty commencement address, University of Texas, June 16, 1891. "Utilitarian Education," *Public Opinion*, 588-589, September 19, 1891. "A Woman's Community in Texas," *The Charities Review*, III, 28-46 (1893). "Texas," Johnson's *Universal Cyclopedia* (1895). "Historians," *Popular Science Monthly*, November, 1900. Reprinted in *The Texan*, December 11, 1900. "The Archivo General de Mexico," *The Nation*, May 30, 1901. "Southwestern History in the Southwest," *Annual Report of the American Historical Association, 1901, I*, 231-242. "Connecticut Pioneers Founded Anglo-American Texas," *The Connecticut Magazine*, IX, No. 3. "The First Stage of the Movement for the Annexation of Texas," *The American Historical Review*, X, 72-96. "A Memorandum of

Moses Austin's Journey" (1796-1797), a document edited with annotations, *The American Historical Review*, V, 518-542. "The University of Texas and its New President," *Review of Reviews*, 682-685, December, 1905. "The Truancy of the Texas Navy," *Harper's Monthly Magazine*, forthcoming.

STEPHEN F. AUSTIN: A MEMORIAL ADDRESS<sup>1</sup>

ALEX. W. TERRELL

*Daughters of the Republic, Comrades, Ladies and Gentlemen:*

Texas, mindful of her debt of gratitude to the great pioneer of her civilization, has always cherished his memory, and has now brought here his mortal remains for final interment. More than half a century ago a single portrait was hung in the hall of the old House of Representatives to the right of the Speaker's chair. It was the portrait of Stephen F. Austin, placed there by the men who once followed him to the wilderness in search of homes, who had shared with him its perils and who knew him best. When, in 1855, another state house was erected, the same portrait was placed to the right of the Speaker's chair, and when, in later years, this more enduring capitol was built, this full length portrait of Austin, which you see, was placed to the right of the Speaker's chair. At the request of Austin's kindred, I then presented it to a joint session of the Legislature in their name,<sup>2</sup> and you will excuse me for remembering that I then expressed the hope that Texas some day

<sup>1</sup>The thirty-first legislature, at its fourth called session, made provision for the removal of the remains of Stephen F. Austin from Peach Point, in Brazoria County, to the State Cemetery in Austin. On October 18, 1910, in the presence of a legislative committee and some of Austin's relatives, the grave was opened and his bones were found in a state of complete preservation. (The *Galveston Daily News*, of October 19, contains an excellent account of the disinterment.) They were placed in a casket and brought to Austin, by way of Houston. At Houston services were held in honor of the occasion, and at Austin the remains were received at the station and escorted with military ceremony to the Capitol, where they lay in state until the morning of the 20th, when they were interred in the State Cemetery. On the evening of the 19th services were held in the Senate Chamber, and Judge Terrell delivered the address which is here printed. Judge Terrell is President of the Texas State Historical Association. As a resident of Texas for fifty-eight years, he has enjoyed acquaintance with many of the men who knew Austin intimately, and the address is, therefore, the result of a blending of his knowledge of Austin gained from books and some study of manuscript sources with that obtained from association with those who knew Austin in person.—Editors of THE QUARTERLY.

<sup>2</sup>The address of Judge Terrell, presenting Austin's portrait to the State of Texas, is printed in *Journal of the House of Representatives*, 21 Legislature, pp. 516-523.

face p. 192



STEPHEN F. AUSTIN



would bring his ashes from their resting place near the gulf and deposit them here in the State cemetery, where she has buried many of her illustrious dead. We are about to see that wish accomplished, and by your indulgence, and at the request of Austin's kindred and a joint committee of the Legislature, I will now speak of his life and services.

Liberty, regulated by law, was won for us by men of a past generation, and inasmuch as it was the most valuable heritage they could bestow, by so much it is our duty to perpetuate a knowledge of when, how, and by whom it was secured, and thus preserve the record of their services before it is obscured and clouded by tradition. In the evolution of our race the curtain is about to rise on an era in which the achievement of an invading conqueror will no longer attract, and when the people will bow with reverence only before the shrine of those who devoted their lives to the enfranchisement of man, or to lifting him up to a higher plane of knowledge. He whose confined remains repose in that casket was the great leading pioneer of an advancing civilization in Texas.

Before reviewing his eventful career, indulge me while I speak of his birth and early life. He was born one hundred and seventeen years ago, at Austinville, in the mountains of Virginia, on the third day of November, 1793, the year when George Washington was elected President for his second term. He went, when yet a child, to the wild territory of northern Louisiana, where he became familiar with the dangers of a frontier life. His education was finished in Lexington, Kentucky, and there, while still a youth, he attracted the attention of Henry Clay. His first public service was in the Legislature of the Territory of Missouri, when he was hardly old enough to be eligible. There he met Senator Thomas H. Benton, through whose influence, and that of Mr. Clay, he was appointed, before he was thirty years old, United States judge for the Territory of Arkansas.

The present era in which man is exploring and utilizing all the forces of nature had not dawned when Austin grew to manhood. No steam vessel was seen on the river or the ocean; no thread was spun in a cotton factory; no railways were in the world; and though Franklin had brought electricity from the clouds, the telegraph and telephone were unknown.

The revolution of the American colonies in 1776 had startled the

world, and the French people, roused from their servile endurance of tyranny through the centuries by the writings of Jean Jacques Rousseau, Voltaire, and Tom Payne, and by the example of Lafayette, cut off their king's head the very year in which Austin was born, and began their career of conquest and of carnage. Spain then ruled nearly all of South America, except Brazil, and all the shores of the Pacific on both continents up to British America. But when, in 1808, Napoleon placed his brother Joseph on the throne of Spain, the spirit of revolt passed like a flash over South America and Mexico, and the patriot priests, Hidalgo and Morelos, discarded their priestly robes, and, sword in hand, led a revolt against the tyranny of the viceroys.

From 1803 to 1819 both Spain and the United States claimed the territory of Texas from the Sabine to the Rio Grande, but the treaty of De Onis in 1819 settled the controversy in favor of Spain. From 1800 until the revolution of Iturbide, Spain made but one effort to colonize Texas with a Spanish agricultural population. In 1804 that government decreed the settlement of three thousand families on the San Marcos river, but the enterprise failed. That desire to colonize had its origin in a jealous distrust of the aggressive spirit of the Anglo-Americans, and could only have been intended to establish a picket guard against their encroachments. Philip Nolan had before that led fifty armed men from the western frontier of the United States into the wilds of Texas, but he and nearly all his men were destroyed by a Spanish force on the waters of the Trinity or Brazos. In 1813 the wilds of Texas were again invaded by a lawless force of seven hundred men from the lower Mississippi, led by Guitierrez and Kemper, Magee and Perry, who, after capturing the presidio of La Bahia, and slaying most of the garrison, took possession of San Antonio, and a few miles from that city defeated a Spanish army of three thousand men commanded by Don Elizondo. They were afterwards defeated themselves in a battle near the Medina river by a Spanish army under Arredondo, in which over one thousand men were slain. The survivors of the battle were pursued and killed all along the old San Antonio road that crossed the Colorado eighteen miles below here. Their bones remained unburied until 1822, when the governor, Trespalcacios, at the request of Stephen F. Austin, had their skulls gathered and interred. Again in 1815 an invading force of revolutionists from

our southern states, led by Mina and Perry, and another in 1819 commanded by Long entered the territory of Texas, only to perish. More human lives were sacrificed in those lawless invasions than were slain in the Texas revolution of 1836. Our written histories tell but little of those invasions. Available sources would reveal much more.

A race hatred of Anglo-Americans so intense resulted from those repeated invasions that Salcedo, the governor of the Spanish internal provinces of the East, wrote to his superior at the capital that if he had the power he would not permit a bird to fly from the Sabine to the Rio Grande.

One man and only one, in the United States made an attempt in 1820 to secure homes in Texas for his countrymen by peaceful methods. Moses Austin, the father of him whose remains lie before us, reached San Antonio in November, 1820, but was promptly ordered by Governor Martinez to leave the territory.

Mortified and discouraged, Moses Austin on leaving the governor's office met on the plaza the Baron de Bastrop, whom he had once met in the United States, and whose influence with Martinez was great. Bastrop obtained from the governor a suspension of his order, and within a week Martinez gave his approval to the application for the introduction of immigrants.

How often the destiny of men and of states has its origin in trifles! Tracing to its remote results that accidental meeting with Baron de Bastrop, Texas was colonized; then a revolt established her independence; her annexation to the United States provoked the war with Mexico in 1846, which was terminated by the treaty of Guadalupe Hidalgo, and that treaty doubled the territory of our union and carried her flag to the Pacific.

I am quite aware that much of what I have said and will yet say is trite history, but the Austins made history; and it is chiefly by its light that we can know them. Moses Austin, robbed on his return by his companions, sick and for days only saved from starvation by eating acorns, at last reached home, to die from the effects of exposure and hardships. From his deathbed he urged his son Stephen to follow up the enterprise he had begun.

The son observed that dying request, and resigned his exalted office of federal judge to establish civilization in a wild and unexplored land. We hardly know in the light of after events which

most to admire, his filial respect for a dying father which caused him to relinquish in his early manhood an exalted office with its honors and a competency for life, his dauntless career in a foreign land, or the high intelligence that sustained him through every trial.

That portrait to the right of the Speaker's chair presents him as he appeared in 1824, standing under a live oak with his rifle, and clothed in buckskin. Before tracing further his career, indulge me while I read a description of the man written by his private secretary, Moses Austin Bryan.

Austin was slender, sinewy and graceful, easy and elastic in his movements, with small hands and feet, dark hair, which curled when damp, large hazel eyes, and in height about five feet ten inches. His face was grave and thoughtful, when not in the social circle, then it was animated and lit up by his gentle love, his voice was soft, though manly, his conversation fluent, attractive and persuasive, his magnetic power over others gave him great influence over the leading men of Texas, and his strong, practical intellect, his thorough forgetfulness of self and devotion to Texas, bound the great mass of the people to him.

Such was the man who, with fifteen companions, started from Natchitoches in Louisiana in July, 1821, and followed the old mission trail across Texas through the prairies and wilderness to San Antonio.<sup>1</sup> He saw on that trail no human habitation. The Franciscan priests, with an "intendant" and an armed escort, had traveled over it in their annual visitations to the missions across the continent for a hundred years, but it had not been otherwise used, except by filibustering invaders and the wild Indians, for no commerce passed over it. Scattered along that road from San Antonio to the Colorado, Austin saw the unburied bones of the adventurers who had followed Kemper and Magee, who were pursued and slain after the battle on the Medina—ghastly reminders of Spanish resentment.

He was promptly recognized by Governor Martinez as the representative of his father, on the 12th of August, 1821, and he then explored the country between the waters of the Colorado and the Brazos—two hundred years after the pilgrims landed on the

<sup>1</sup>Austin's diary of this journey across Texas was published in *THE QUARTERLY*, VII, 287-307.

shores of New England. Going then to New Orleans, he returned with his first immigrants to the banks of the Brazos in January, 1822, and established there the first permanent settlement of American white men in Texas. Each immigrant bore a certificate of good moral character and of his profession of faith in the Christian religion. They suffered privation for the first winter, for a boat loaded with provisions was seized by the Karankawa Indians, and they passed the autumn and winter of 1822 without sugar, coffee or bread, subsisting on deer, buffalo, bear and wild horses. Another year found them abundantly supplied and contented, and by the fall of 1824 Austin had introduced four hundred families. The first immigrants were not strong enough to punish the Indians, but two years afterward Austin led a force of sixty men, and by killing half the tribe stopped their depredations.

Indulge me while I describe the men with whom Austin first settled Texas—for without that knowledge the story of their achievements would sound like romance. Active and strong of limb were they, and being inured to hardships from their childhood, their chief joy was in the excitement of the chase. Every pioneer knew that in his new home security of life must depend on a steady nerve and a sure aim with the rifle, which was his constant companion. Only the self-reliant would dare colonial perils. They were a hardy race, among whom hospitality and truth were universal. I knew many of them well fifty-eight years ago, and now assert that nowhere in the world have I ever known any class of men who excelled them in the practice of hospitality, and in that individualism and self-reliance that make the invincible soldier.

Such were the men who followed Austin to colonize Texas, and fought with Houston at San Jacinto. General Sam Houston told me once when describing that battle, at the request of Hon. A. J. Hamilton and myself, that though outnumbered two to one he never for a moment doubted the issue, for all his men were fearless marksmen, and were thirsting for revenge on account of the massacre of the Alamo.

Nor were they all destitute of culture, for Motley, John Bunton, Potter, Carson, Rusk and still others who signed the declaration of independence were all accomplished men. No degrading crime was ever charged against any of Austin's colonists on the Colorado.

The luxury that enervates had never entered their rude homes, in which each one reigned, poor, it is true, but contented, for he was blessed with abundance. No miserable social distinction, based on money or fashion, divided them into sets and classes. The late John H. Reagan told me more than once that before the revolution of 1836 there were not twenty men in all the colonies who were worth five thousand dollars each. Their common pasture was the broad prairie that stretched westward seven hundred miles to the Rio Grande, while the black bear, antelope, millions of buffalo, and deer supplied them with both food and raiment. We who rejoice in fruitful fields and growing cities can never love Texas as did its first pioneers who, while it was yet vocal with the music of the wilderness, delighted in the waving beauty of its untrodden grass and wild flowers.

A change of rulers in Mexico compelled Austin to visit its capital, for the last of the Spanish viceroys had been expelled in 1821, and he needed from the government of Iturbide a confirmation of his empresario contract. He made this journey of one thousand miles over a road threatened by Indians as far as the Rio Grande, and thereafter infested by robber bands. To avoid being plundered he went on foot and alone from San Luis Potosi to the City of Mexico disguised as a beggar, and in April, 1822, reached the Mexican capital. There he first met Santa Anna and the Emperor Iturbide, whose coronation he witnessed as he did also his abdication. During the bloody era that then convulsed Mexico, he learned to speak Spanish like his native tongue, and after securing the confidence of rival chiefs returned with his contract sanctioned and enlarged by the central authority. While watching the shifting scenes of the revolutionary drama there, he assisted in writing the first draft of the Mexican constitution, afterwards in substance adopted in 1824. This fact has been questioned by one historian who never knew Austin or had access to his papers, but it is apparently attested by his papers, which are in a vault of our State University.

Thus, one man, solitary and alone, unaided either by wealth or powerful friends, induced the Mexican government to reverse its policy of a century and permit the colonization here of the very race it had watched with jealous distrust. Calm, intellectual, self-possessed, accomplished as a scholar, gentle as a woman, yet fear-

less as a lion, Austin was admirably equipped for the great work before him. His greatness shines with increasing luster as we see him moving forward, still unaided, and overcoming every obstacle in his path. Milam, De Witt, Cameron, Hewitson and Robertson followed his example, and in a few years the smoke from pioneer cabins from the Sabine to the Guadalupe gave token that freedom was advancing westward—it had come to stay.

In 1823 he repaired to Monterey and obtained from the provincial deputation of Nuevo Leon, Coahuila and Texas almost plenary authority over his colony. De la Garza made him a lieutenant colonel and commander in Texas, with power to make peace or war with the Indians, to appoint judges and secure the administration of justice by an appeal to himself. The colonists knew nothing of Mexican law. Austin prescribed rules to govern them and penalties for offenses. Horse thieves and lawless men were scourged from his colonies, and Indian forays stopped by quick retaliation.

Thus Austin, who had planted the first colony, was its first commander, judge, and law-giver. Perhaps never before on this continent was any man clothed with such varied and extraordinary powers by a government to whose manners and customs he was an alien, but so justly did he rule that no one questioned or resisted his authority, and so considerate was he of the rights, the prosperity and happiness of them all, that they loved him as their benefactor, and repaid his solicitude for them by their acts of gratitude.

In 1827 he had colonized one thousand families under his enlarged contracts, and settled them from near the mountains to the gulf. Abundant harvests rewarded their labor, and now there was plenty everywhere. Their land titles Austin issued from San Felipe de Austin, which was named after him. Issuing titles, adjusting surveys, reconciling differences, administering justice, preserving peace with a jealous central authority, and protecting the colonists against Indian forays had employed all his time and required constant vigilance.

If man's dignity should be measured by his usefulness to others, then no other man who ever trod Texas soil can outrank Stephen F. Austin, for this man who inspired constitutional law for revolutionary states at a foreign capital, returned to his home to eclipse that achievement by the patient toil and high intelligence which

prepared a just government for his own race, and helped to establish the supremacy of equal laws. From 1823 to 1827 was the happiest period of his life in Texas, for his colonists were prospering and contented, the central government confided in him, and no ambitious leader had yet come to sow discord and weaken his authority. But ambitious men came when the colonies grew strong, and threatened eastern Texas with what was then called the "Fredonian war." Through Austin's influence with the Mexican chief, Saucedo, peace was restored and an armed force of Mexican soldiers which had gone from San Antonio to punish the colonists was withdrawn. Thus, he who had settled the first colonists interposed to protect the Anglo-Americans in their first revolutionary outbreak.

Again in 1832, after the affairs of violence at Anahuac and Velasco, the Mexican General Mexia was sent to chastise the colonists. Austin, then at Saltillo, hastened to Matamoras, and, going with Mexia to the mouth of the Brazos at Velasco, acted as a trusted mediator and averted war. The grateful colonists gave him a banquet and toasted him as "the angel of mercy and harbinger of peace."

Thus twice were the colonies on the verge of being invaded and destroyed before they were strong enough to make successful resistance, and twice the danger was averted by the influence and presence of their trusted leader.

But henceforth he was to suffer by imprisonment and from the treachery of friends, and, with his health destroyed, his life was to be sacrificed on the altar of duty. In 1833 he was chosen with two others by a convention of the people to go to Mexico and request for Texas separate statehood in the Mexican republic. With conscious rectitude he went, and went alone, for his associates shrank from the peril involved in the mission. While returning home, after its failure, he was arrested at Saltillo, taken back to Mexico and confined for nearly two years, a part of that time in a dungeon of the former inquisition. For three months he was imprisoned in a dark, damp cell, without a ray of light, not even being permitted to see or speak to his jailer, who fed him through a hole in his door—his only companion being a pet mouse. Money at last softened the rigor of confinement, until he was freed by a general amnesty law. Thus tortured and stripped of all except his life,

his courage never failed; in the darkest hour he was willing to die for his convictions of duty to his people; for he had told the speculators at the Mexican capital who wished to remand Texas to territorial vassalage, that rather than take the fabulous price that they offered him to desert the colonists and cease his opposition to their designs, he would submit to having his arm torn from the shoulder. Never did his character shine with more luster than when he suffered, a modern Regulus, in a foreign prison. From that prison he staggered forth with wasted frame and tottering step. From the effects of the solitary confinement in that damp dungeon Austin never recovered.

His private papers showed that he expended \$30,000 of his private means on that mission to Mexico, the repayment of which by Texas he never applied for, nor will any of his heirs request it. These heirs, some of whom are before me, prefer to think of that money as a sacrificial offering by their great kinsman for the separate statehood of Texas.

Thus he who had established the colonies, guarded their interest in every vicissitude, twice averted war, prescribed laws and established courts, was the first martyr to their aspirations for separate statehood.

In September, 1835, after his release from prison, Austin landed on his return home at the mouth of the Brazos. His return was hailed with acclamations of joy and banqueting, as for one risen from the grave. His advice for an immediate "consultation" of the people was quickly followed, and before six weeks had passed a little army had assembled with Austin as its chief.

The speed with which the people organized with arms in their hands may seem a mystery. But the butchery of Mexican republicans at Zacatecas by Santa Anna had alarmed the colonists for their impending fate, when the return of Austin awakened new hope. He was not yet ready for a declaration of independence, but he was determined to resist the encroachment of Santa Anna upon the republican constitution. The news of Austin's position sped quickly to the cabins of the colonists. They heard it with joy. No carpet knights were they, when home was in peril, but with a kiss to wife and babes they shouldered their rifles and formed an army. Then from the Guadalupe to the Brazos, and away up among the red lands of the east the deer were safe for a

season, for the hunters had gone to seek more dangerous game. No rival chief had yet come to dispute his leadership, and on the 11th of October, 1835, Austin was chosen by acclamation to lead these hunters to the field. They chose wisely. He alone among all the men in Texas offered to pledge all his private fortune for her independence. As the journals show, soon afterward he did pledge his whole estate to obtain the first loan of money for the revolution.

Let us pause now and consider how desperate were the chances against Texas in that dark hour of her trial. We glory in the triumph of the thirteen colonies over Great Britain, but it bears no comparison to the heroic struggle of Texas for independence. The thirteen colonies had two and a half millions of people, and a wide ocean separated them from England. Texas, with less than six thousand men all told, fought a powerful republic which contained a population of over seven millions and whose boundary was contiguous to her own. England was embarrassed by a powerful opposition to the war at home begun by the elder Pitt; Texas had no friends in Mexico. England was then engaged in a European war; Mexico had only Texas to contend with. The thirteen colonies were aided by France, who sent men, ships and munitions of war; Texas, without national recognition and with no aid except from individual volunteers, won her independence single-handed and alone. The successful struggle of Texas for independence is without a parallel in the history of the world.

The men of Austin's army cried, "On to San Antonio," and then with the assistance of such men as Rusk, Frank Johnson, Burleson, Milam, Bowie, and Fannin, the Mexicans were defeated at Concepcion and driven to the Alamo for cover. Austin was no longer the "harbinger of peace," for he was the first leader of a Texas army against Mexican despotism, and with the prairie all burned west of San Antonio, the surrender of the Mexican General Cos was only a matter of time. During the operations before San Antonio, Austin, still suffering from his prison confinement, was so weak that his aide-de-camp, Colonel Austin Bryan, says his servant had to assist him in mounting his horse.

And now this man, who had defended the colonists in every vicissitude of fortune, was ordered by the consultation to a different field. Reinforcement from the United States was needed to help

Texas in the spring of 1836 against another invading army, and in November, 1835, Austin was called on to go with W. H. Wharton and Dr. Archer and appeal for men, arms and ammunition. The selection was a wise one, and he obeyed without a murmur; he wrote to the consultation, "I am at all times ready to serve Texas in any capacity where I may be most useful, but should I leave at once, some prudence will be needed to keep this army together." Had he been an ambitious Caesar who refused to obey the senate when ordered to turn over his legions to Pompey, discord and strife would have supplanted harmony, and freedom would have been imperiled by rival factions.

From New Orleans to the Potomac he portrayed with impassioned eloquence the dangers before his people, and their need for help; nor did he plead in vain, for he spoke to a kindred race who helped with money and munitions of war. His mission to the states kept him from San Jacinto, but the help he secured made San Jacinto possible.

San Jacinto was won, and its hero, General Sam Houston, was then elected over Austin as President of the republic in 1836, for the soldiers, flushed with victory, espoused the cause of their victorious leader. History thus repeated itself. The great author of the American declaration of independence, the greatest diplomat and statesman of them all, and the wise leaders who formed the constitution, had all to bide their time for the presidency until Washington, the military leader, had been honored.

The contest between the partisans of General Houston and those of Austin was a bitter one, but it was followed by a close friendship and alliance between those leaders under circumstances that illustrate the greatness of both men. When Houston was elected he had only San Jacinto and Santa Anna—nothing more! No military chest, no credit, no stable government, no recognition amongst the nations, no navy, no army and no means of supporting one. Then knowing what perils were before him and looking all over Texas for some statesman to aid him, he chose Austin above all others for his high intelligence and patriotism, and asked him if he would ignore the bitterness of the late contest and become his chief advisor as secretary of state. That single act lifts Houston above the plane of the ordinary statesman and marks him as a patriot and a great man; and he was appealing to a great man,

for with Austin, ambition, resentment and offices were all as "wafted dust on the balances," when Texas needed him, and he went at once to Houston's side as secretary of state. It was a noble sacrifice of pride to duty, and history records few others like it in the careers of public men. How noble was it in Houston to bow his crest before his defeated antagonist and by supplicating his aid in the most important duty before him, announce thus to his own followers that Austin was a greater man than any of them! If that thing had happened in this era of machine politics, Houston would have been denounced as ungrateful to his own partisans, and Austin as a servile sycophant. But in the light of history, their names shine like twin stars seen between sifted clouds at midnight. What an object lesson to those who, regardless of public interest, can see no virtue in a partisan opponent, and bestow favors only on the parasites who elevate them!

Never until the lamented Garrison published the diplomatic correspondence of the Republic of Texas did this generation know the great ability of Austin as a diplomat. He armed Wharton, our envoy at Washington, with convincing arguments not only for a recognition of independence, but for annexation to the Union. But there was to be no cringing supplication, for he made it plain that when Texas entered the Union it must be as a coequal sovereign, retaining full ownership of all her territory, and that it should remain as the constitution adopted eight months before had dedicated it—one-half for the people and the other half for the education of their posterity forever. That was the first keynote to all the future policy of Texas, which has kept her one and undivided from the Sabine to the Rio Grande and from the Panhandle to the gulf.

To speak of this man in the language of undeserved eulogy, would be unjust to him and his own memory would condemn it; yet we can truly affirm that such was his intellectual organism, his self-poise amid difficulties, and the purity of his private life, that few men in ancient or modern times have equaled him. I have examined his public and private correspondence now in our State University, and for years I enjoyed the friendship of his trusted friend and companion, Colonel Frank Johnson, who loved and almost idolized him. His colonists loved him as their friend and benefactor. They named their children for him, and their fam-

ilies rejoiced when he came. He had a welcome in every cabin—and he who never knew the comforts of home with wife and children of his own, lavished the affections of his noble nature on the children of his colonists. The purity of his life, which was revealed in his face, softened his habitual dignity, and deprived it of austerity. No ambitious warrior was he, animated by a love of conquest—he struck only in defense of home—no knight-errant, seeking fame through adventure; his greatest triumph was in the promotion of peace; no visionary dreamer intent to accomplish the impossible; his well-balanced mind measured in advance all difficulties, and they vanished before his energy.

General Sam Houston in his last great speech in the United States Senate, said:

Stephen F. Austin was the father of Texas. This is the designation justly accorded to him, as will be testified to by every man who is acquainted with the primitive history of Texas or its progress as long as he lived. Stephen F. Austin is entitled to that honor. It is due to his friends, to whom his memory is most dear and sacred. Sir, posterity will never know the worth of Stephen F. Austin—the privations he endured—the enterprise he possessed—his undying zeal, his ardent devotion to Texas and its interests and his future hopes connected with its glorious destiny.

General Mirabeau Lamar said:

The claims of General Austin upon the affections of the people of Texas are of the strongest kind. He was not only the founder of our republic, but scarcely a blessing has flowed to our country which might not be fairly attributed to his unwearied exertion for its welfare, whilst almost every calamity which has befallen it might have been averted by an adherence to his wise and prudent counsels.

The late Hon. Guy M. Bryan said of him:

The world has offered but few examples of superior intelligence and sagacity; and as for disinterestedness and intelligent philanthropy, his long-suffering for the weal of others, his patient endurance under persecution, his benevolent forgiveness of injuries and his final sacrifice of health, happiness and life in the service of his country, all conspire to place him without a rival among the first patriots and the best of men.

Such was the estimate of all men of that day, for on the 18th

of October, 1839, while his memory was yet fresh in the minds of men, it was toasted, standing, and in silence, at the first banquet ever given in this city, on the day when the archives of the government were first brought here. Lamar, then President of the republic; Burleson, the shield of the frontier, and James G. Swisher, who was a captain at San Jacinto, and who fought with the forlorn hope at the capture of San Antonio in 1835, were among the guests. They drank to the memory of Austin in these words: "Whatever may be the pretensions of others, Stephen F. Austin will always be considered as the father of Texas."

Austin, in writing to General Gaines of the United States army in 1836, said: "The prosperity of Texas has been the object of my labors, the idol of my existence; it has assumed the character of a religion for the guidance of my thoughts and actions for fifteen years, superior to all pecuniary or personal views."

In a cold room he was writing for two days and nights his final instructions to the Texas envoy to Washington, but the labor was too much for the frail victim of a Mexican dungeon. On the 27th of December, 1836, while the Christian world was rejoicing over the advent of a Redeemer, Austin breathed his last. His dying thoughts were of Texas. In his delirium he said: "Independence is acknowledged—it is in the papers,—Dr. Archer told me so," and then the pale messenger with inverted torch touched him, and he returned to the bosom of his God.

Every flag in the republic went to half mast, and when the papers announced that the "father of Texas is no more," all knew who had died. President Houston and Lamar, with the heads of department, bore him to the grave, and Houston, sorrowing for a great loss to the republic, sprinkled the first dust on his coffin.

Thus his life was sacrificed on the altar of duty.

And now we will place the remains of the great patriot near the monuments of those whom he loved, and who helped him make this mighty state—Colonel Frank Johnson, his companion and friend; General Hardeman, who, when a boy, followed him, rifle in hand; Guy Bryan, his nephew, who in childhood climbed his knee and loved him; Wallace, his trusted scout; Albert Sidney Johnston, Burleson, Scurry, Frank Lubbock, and Hugh McLeod will sleep by his side, and near them Hemphill and Lipscomb! What a group of immortals will surround him!

It is not given us to know what the Great Power behind all visible phenomena did with the soul when it left its final casket; we can only hope that it found a better home. Earth and sky, the voices of nature, its harmonies and beauties, all proclaim that God is good, and that He did not plant this universal hope for immortality through tantalizing caprice. He who provides food for the hungry body, will somewhere, somehow, at some time satisfy the soul that hungers after immortality. If this hope is a vain dream, and the spirit of man is annihilated by death, like the flame of a candle blown out, then life is a tragedy so full of disappointment that he who dreads to die should fear to live. No! No! If the revolving wheel of time and change destroys no atom in all this world, how can the quick spirit of man, which is king over all, perish? Never. The strong and subtle energies of the soul will find full development beyond this transitory existence, and amid the prophetic splendors of an eternal dawn.

APACHE RELATIONS IN TEXAS, 1718-1750<sup>1</sup>

WILLIAM EDWARD DUNN

## I. INTRODUCTION

1. *The Condition of the Problem.*—A statement as to the conditions under which this paper was written is pertinent here. One has only to glance over the works in English which deal with the general history of Texas to note the absence of information bearing upon the subject which I have endeavored to treat. The standard histories of Texas give only isolated references here and there to Apache relations in Texas between 1718 and 1750. Indeed, so scanty are their accounts on this point that they may be entirely ignored. Of monographic discussions of the subject, there are none.<sup>2</sup> Although ethnologists have written more or less of the Apaches and their various subdivisions, very little pertaining to the period and region covered by this paper has been produced.<sup>3</sup> The reason for such a paucity of information on the subject in English works is that the material from which a history of this topic can alone be constructed has been buried hitherto in manuscripts written in a foreign language and preserved, for the larger part, in foreign archives.

Of Spanish works, only two are important for the subject. Antonio Bonilla, in his *Breve Compendio*, which has only recently been printed, gives a brief outline of Apache hostilities in Texas;<sup>4</sup> and Arrievita, in his *Crónica Apostólica y Seráfica* (México, 1791), gives a considerable amount of information concerning the

<sup>1</sup>A thesis presented to the Department of History of Leland Stanford Junior University in partial fulfillment of the requirements for the degree of Master of Arts, April 15, 1910.

<sup>2</sup>In a paper entitled "Tribal Society among Texas Indians," by M. M. Kenney (THE QUARTERLY, I, 26-33), the Apaches are not even mentioned.

<sup>3</sup>Although Bandelier has made extensive investigations concerning the Apaches of the far Southwest (see "Final Report," Part I, *Papers of the Archaeological Institute of America*, III, 1890), he has done little on the eastern, or Texas, Apaches.

<sup>4</sup>THE QUARTERLY, VIII, 3-78. Translation by Miss Elizabeth Howard West.

efforts of the Franciscans to reduce the Apaches of Texas to mission life. Indeed, he is practically the only one who has written anything upon this phase of the subject. In most respects, however, Arricivita emphasizes the history, if at all, from the standpoint of the missionary, to whose side he naturally inclines. At several points, nevertheless, both authors have been useful in supplementing the documents which I have used.<sup>1</sup>

Having practically nothing in print to guide me, I have had to rely almost entirely upon manuscript sources. The information herein presented has been gathered from a wide range of documents, whose originals are in the Archivo General y Público of Mexico, the archives of the College of Santa Cruz de Querétaro and of Guadalupe de Zacatecas, the state archive of Coahuila at Saltillo, the Béxar and Nacogdoches archives at Austin, Texas, the San Antonio mission records, and in other miscellaneous repositories.<sup>2</sup>

2. *The Aim of This Paper.*—The primary aim in writing this paper was to prepare an introduction to the history of the Franciscan missions established for the Apache Indians in the middle of the eighteenth century on the San Sabá and Nueces rivers of western Texas. To understand these missionary activities it seemed necessary to examine carefully the previous relations between the eastern Apache Indians and their Spanish neighbors. Coupled with this motive was the consideration that Apache relations, though forming a large factor in the history of Spanish colonization in western and central Texas, have been all but unknown. This consideration has seemed to justify, in this first special treatment of the subject, what may be regarded as a painful

<sup>1</sup>Espinosa's *Crónica Apostólica*, a work of which Arricivita's is the continuation, and which deals with events in Texas history up to 1746, gives almost no information upon the subject of this paper.

<sup>2</sup>In the preparation of this paper, fully 10,000 typewritten pages of transcripts, aggregating, perhaps, 2,000 separate documents, have been examined. Most of the transcripts are in the private collection of Dr. Herbert E. Bolton, who has kindly permitted me to use them. Other transcripts are in the Stanford University Southwestern History Collection, which is now being rapidly built up. In addition to the documents above described, I have had access to Dr. Bolton's manuscript notes, from which I have secured much information. Only those documents which have been of actual use are cited in the bibliography. In the bibliography and footnotes "B. MS." means documents in Dr. Bolton's collection; "B. MS. Notes" means his personal manuscript notes which I have utilized.

amount of detail. Since the ethnology of the eastern Apaches has been as little known as their early relations with the Spaniards, some effort has been made in the course of the study, to gather and combine what could be learned concerning their early organization and customs.<sup>1</sup>

3. *Spanish Activities in Texas Before 1718.*—Spanish interest in Texas began in the early sixteenth century. The description of the country given by Cabeza de Vaca and his companions in 1536 gave rise to many exploring expeditions in which Texas figured to a greater or lesser degree, but it was not until a century and a half later that definite steps were taken to occupy this region.

Fear of French aggression, a desire to open up a short route between Havana and New Mexico by way of the Bay of Espíritu Santo, and the missionary zeal of the Spanish friars led to the sending of an expedition in 1689 under Captain Alonzo de León, who found La Salle's fort and explored the Bay of Espíritu Santo. In 1690 a second expedition was led by De León. The French fort was now destroyed, and a mission was established near the Neches among the Hasinai, or Texas, Indians. A few months later a second mission was founded in the same locality.

To strengthen these missions by the erection of others, to investigate rumors of French settlements, and to secure a hold in the Cadodacho country, Don Domingo Terán de los Ríos was sent out in 1691. But his expedition was a comparative failure, and two years later the missions already established were abandoned.

It has been generally believed that the Spaniards gave little thought to Texas from the time of the abandonment of the missions in 1693 until Saint Denis's expedition in 1714. But recent investigations and many documents now available show that such is not the case. During all these years there was a steady advance of missionary work northward from Coahuila. In the years 1699-1701 the missions of San Juan Bautista, San Bernardo, and San Francisco Solano were established on the Rio Grande, and ministered to the Indians living north of that stream. About 1703 Father Hidalgo began his long-continued effort to get aid in re-

<sup>1</sup>Apache relations in the El Paso region have not been treated in this paper, for the reason that that region was not, in the eighteenth century, a part of Texas, and that its history in that period was more intimately connected with the history of New Mexico than with that of Texas.

establishing the missions among the Hasinai. In 1707 an attempt was made to advance the mission frontier to the Rio Frio, and in the same year Diego Ramón made an expedition to the Colorado. Two years later Fathers Espinosa and Olivares went with a party of soldiers to the Colorado, where they expected to meet the Hasinai Indians and to arrange for reducing them to mission life. During this period many of the Indians who were served at the Rio Grande missions came from the region of San Antonio. Thus, viewed from the missionary's standpoint, the establishment of a mission at San Antonio in 1718 was not a sudden advance, but merely the next logical step in the expansion of the Coahuila mission frontier.<sup>1</sup>

In 1714 Saint Denis made his overland journey into Spanish territory, which aroused the civil authorities to renewed activities, and Captain Domingo Ramón was now appointed to lead an expedition to refound the missions of eastern Texas. In the years 1716-1717 six missions and a presidio were erected under his direction between the Neches and Red rivers, and thus the Spaniards put forward an incontrovertible claim to the possession of Texas—that of actual occupation.

By this action French advance was guarded against on the Louisiana frontier. But in 1718 New Orleans was founded, and orders were given by the French for the reoccupation of the Bay of Espíritu Santo. In the same year San Antonio was founded by the Spaniards, in part as an answer to this French activity on the Gulf and in part to extend missionary work among the Coahuiltecan tribes. And thus the most important center in the history of Spanish Texas began to play a part in the life of the province.<sup>2</sup>

4. *The "Apaches de Oriente."*—As has already been pointed out, the early history of the western Texas settlements, of which San Antonio was the center, is, in a very large measure, a history of relations with the Apache Indians who lived to the west and northwest. The Apaches are a branch of the Athapascan family,

<sup>1</sup>For this paragraph I am indebted entirely to the investigations of Dr. Bolton, recorded chiefly in his manuscript notes.

<sup>2</sup>For general accounts of this early period see Garrison, *Texas*; Clark, *The Beginnings of Texas*; and Bancroft, *North Mexican States and Texas*, I.

the most widely distributed of the North American Indian linguistic groups. The Athapascans are classified by ethnologists into three divisions, Northern, Pacific, and Southern, and the Southern is subdivided into the Navajo of New Mexico, the "Apaches," a group of tribes called by this name, and surrounding the Navajo, and the Texas Apaches, or Lipanes. The designation "Apache" probably came from *ápachu*, "enemy," the Zuni name for the Navajos, who were called by the early Spaniards "Apaches de Nabaju."<sup>1</sup>

Most of the information hitherto at hand concerning the Texas Apaches relates to comparatively recent times, and there has been a lack of definite knowledge of them during the early Spanish period. The period is dark enough even now, but many new facts of general importance have been gleaned during the course of the present study, and some of them may be summarized here, out of the chronological order of the narrative, by way of introduction. The details will be made to appear in the historical order in which they became known and differentiated.

The Spaniards of the latter eighteenth century, when information was relatively complete, distinguished between the "Apaches de Occidente," or Western Apaches, and the "Apaches de Oriente," or Eastern Apaches, the latter being the ones with which this paper deals. The principal tribes of the Eastern Apaches known at that time were the Lipan (Ypande), Natagés (sometimes called Apaches proper), and the Mescaleros.<sup>2</sup> In the period covered by this paper (1718-1750) the tribes chiefly known in Texas were the Lipan and the Natagés, especially the former. They went under various names, and various subdivisions were sometimes distinguished. But in the early part of the period the Texas documents make no distinction, as later was the case, between the different Apache bands, but all are included under the generic name of "Apaches." The Lipan, when first known to the Texans, lived far to the northwest of San Antonio, on the upper reaches of the Colorado, Brazos, and Red rivers, but gradually they moved south before the advancing Comanches, until by 1732 they made their home in the country of the San Sabá, Chanas (Llano), and Peder-

<sup>1</sup>*Handbook of American Indians*, Part I, articles under "Apache" and "Athapaskan."

<sup>2</sup>Cabello, Informe, 1784, 38-39.

nales. About 1750 some of them established themselves on the Medina, and others pushed on to the Rio Grande. The Natagés and the Mescaleros lived far to the southwestward, in the country of the Pecos and the Rio Grande. These Eastern Apaches were not numerous, but were led by petty chiefs, which made it difficult to deal with the tribes as wholes. And in proportion to their numerical strength, their capacity to make trouble was surprisingly great. During this period they apparently did not use firearms, but fought, on horseback, with bows, spears, and darts, and had armor for both man and horse.

## II. THE FLORES CAMPAIGN

1. *Apache Relations in Texas Before 1718.*—The Apaches were well known in New Mexico at a very early date. Before the establishment of Texas they pestered the frontiers of Nueva Viscaya and Coahuila, and no sooner had the Spaniards founded San Antonio than it experienced similar visitations. In his diary of 1691, Father Massanet made the following statement concerning the Apaches, which is a good summary of knowledge of them in Texas at this time. He says, "The Apaches form a chain running from east to west, and wage war with all; with the Salineros alone do they maintain peace. They have always had wars with the Spaniards of New Mexico, for, although truces have been made, they have endured little. In the end they conquer all the tribes; yet it is said that they are not brave because they fight with armoured horses. They have defensive and offensive weapons, and are very skillful and warlike Indians."<sup>1</sup>

Before the establishment of San Antonio the Spaniards of eastern Texas had come into contact with the Apaches through the wars which the latter waged with their inveterate foes, the "Texas." The part of the Spaniards in these wars was, no doubt, one of the causes for the attacks which were subsequently made on San Antonio. All of the tribes east of the middle Colorado were allied against the Apaches, and many bloody encounters took place between the two groups. From the time of the first Spanish entry into their country, the "Texas" Indians enlisted the aid of the

<sup>1</sup>Diario de los Padres Misioneros, 1691, in *Memorias de Nueva España*, XXVII, f. 100.

soldiers, just as a few years before they had enlisted a part of Joutel's men.<sup>1</sup> Hidalgo tells us that in August, 1692, the soldiers joined the Texas in a campaign against the Apaches, going westward until the land of the enemy was reached. While the invaders were sleeping peacefully one night the Apaches attacked them, and, says our informant, had it not been for the firearms of the Spaniards, not one of them would have returned home.<sup>2</sup> On another campaign of this early period the Texans, with the aid of the Spaniards, are said to have won a great victory over the Apaches, killing one hundred and thirty-six of their number.<sup>3</sup> Joseph de Urrutia, the romantic character who remained in Texas after the abandonment in 1693, says, with probable exaggeration, that he lived among the Texas tribes for seven years and organized them for campaigns against the Apaches, acting in the capacity of *capitán grande*, and often leading more than 10,000 warriors against the common foe.<sup>4</sup>

Thus it seems that the Spaniards of Texas were first known to the Apaches in the light of foes, and that early relations between them were confined to hostile acts.<sup>5</sup>

2. *Raids About San Antonio and Flores's Campaign, (1718-1723).*—Had the Spaniards refused to give aid to the Texas, they might have been spared, possibly, a great deal of trouble, but at the outset they had definitely put themselves on record as enemies of the Apaches, and the latter did not forget it. The Apache terror overshadows Spanish Texas from the founding of San Antonio.

In the instructions given to Governor Alarcon, in 1718, for the planting of this new outpost, he was cautioned to be on his guard against the Apaches, and was told to organize the neighboring tribes in a defensive alliance against them, as there was much dan-

<sup>1</sup>Margry, *Découvertes et Etablissements des Français*, etc., III, 374-378; French, *Historical Collections of Louisiana*, IV (1852), 216.

<sup>2</sup>Papeles del Pe. Hidalgo, Secs. 11 and 13.

<sup>3</sup>*Ibid.*

<sup>4</sup>B. MS. Notes.

<sup>5</sup>Bonilla, discussing Saint Denis's encounter in 1714 with Indians on the San Marcos (Colorado) river, remarks, "naturalmente serian Apaches" (*Breve Compendio*, Par. 7), but this is only a supposition. Indeed, Saint Denis says that they came from the coast, in which case they must have been of Karankawan stock—certainly not Apache. (*Declaración de San Denis*, *Memorias de Nueva España*, XXVII, f. 124.)

ger of attack from this "barbarous enemy."<sup>1</sup> These fears were quickly realized, for as soon as the Apaches learned of the establishment of Béxar they began to harass it. Before the Marqués de Aguayo had made his expedition into Texas in 1721-2,<sup>2</sup> they had already become so bold as to attack the supply trains from Coahuila to San Antonio, stealing mules and killing the drivers.<sup>3</sup> Aguayo fully realized the danger. In 1720 he had endeavored from Coahuila to secure peace with the Apaches, but they would make no concessions. Instead they brazenly declared their hostile intentions by hanging red cloth from arrows stuck in the ground near San Antonio.<sup>4</sup> While Aguayo was on his way from Monclova to Texas, in 1721, his men had a skirmish just before reaching San Antonio with some Indians whom they supposed to be Apaches. Two days before his arrival there a pack train had been attacked. In consequence, several detachments were sent out from San Antonio for the purpose of checking these hostilities.<sup>5</sup>

Nevertheless, Aguayo's policy was one of conciliation. He wished to make friends of the Apaches, and as he journeyed from San Antonio to eastern Texas he erected several crosses, in order, as he said, "to exalt the cross in the midst of so much idolatry, and to leave signs of peace to the Apaches Indians, who consider them as such and know from them that Spaniards have been there."<sup>6</sup> No Apaches were encountered by Aguayo himself, however, and in this he was disappointed, for his plan was to take

<sup>1</sup>Testimonio del título de Gobernador y Instrucciones que se le dio a Don Martín de Alarcón pa la entrada que hizo en la Provincia de los Tejas, 1716-1718, 11.

<sup>2</sup>For a good account of this expedition see "The Work of the Marqués de Aguayo in Texas, 1719-1722," a Master's thesis by Miss Eleanor Buckley, University of Texas, 1909.

<sup>3</sup>Aguayo to the viceroy, February, 1725, in Autos Sre diferentes puntos, 71. In the first attack two drivers were killed, and on a later occasion one driver perished (*Ibid.*).

<sup>4</sup>*Ibid.*, 72. On the beginnings of Apache troubles at San Antonio, see a brief statement in Bonilla, *Breve Compendio*, Par. 11.

<sup>5</sup>Peña, Derrotero of the Aguayo expedition, 6-7. One driver and a soldier had been killed in the defense of the pack train (*Ibid.*).

<sup>6</sup>Peña, Derrotero, 16. It is of interest to note, as an indication of the Apache range, that Aguayo gave the name of "San Joseph de los Apaches" to an arroyo near the Brazos river, hoping that this connection with the Saint's name would have a beneficent effect upon the Apaches (*Ibid.*, 10).

some of them prisoners and bring about peace through their mediation.<sup>1</sup>

When Aguayo reached Los Adaes he learned that Fray Joseph Pita, a lay brother of the College of the Santa Cruz de Querétaro, had been killed a short time previous while en route to East Texas. The friar had ventured forth to hunt buffalo without the protection of the soldiers, and Indians, said to be Apaches, killed him between the San Xavier and the Brazos rivers. His remains were found in 1723, as we shall see, and were taken to San Antonio by Captain Nicolás Flores.<sup>2</sup>

After Aguayo's return to Coahuila in 1722, the Apaches continued to steal horses, and on one occasion five Indians managed to make off with fifty of them. Captain Flores, with ten men, gave chase to the thieves, recovered the horses, and took back to San Antonio the heads of four of the offenders, together with some spears and some skin armor used to protect the horses of the Indians.<sup>3</sup> Shortly after this, in April, 1722, Flores was given command of the presidio,<sup>4</sup> and with his office he inherited the Apache trouble.

After Flores succeeded to the command of the presidio such was

<sup>1</sup>*Ibid.*, 9.

<sup>2</sup>Bahía: Autos Hechos, 4; Informe del R. P. Fr. Benito de Santa Ana, al Exmo. sobre la fundacion de Sn. Xavier, 1752, 6; letter of Aguayo, February, 1725, in Autos sre diferentes puntos, 71.

<sup>3</sup>Letter of Aguayo, February, 1725, in Autos sre diferentes puntos, 72; González contra Flores, 15.

<sup>4</sup>Captain Nicolás Flores y Valdéz had begun military service in 1696, entering the army as a private, and when, in 1701, the garrison of San Juan Bautista was established, he was one of the first to enlist. Here he served for fourteen years in the capacities of soldier, sergeant, and *alférez*, ranking in the last position next to the captain, as no lieutenant was assigned to that garrison. In Aguayo's expedition to Texas, Flores was made subaltern of his company. In 1720, after this appointment, he defeated a force of Indians near the Nadadores River, in Coahuila, distinguishing himself by his bravery and ability. In the expedition to Texas he served as explorer, assisted in the repairing of the missions in eastern Texas, and was employed by Aguayo in many important minor duties, all of which he performed entirely satisfactorily. Several times he was sent to bring back supplies, and he always did so with the greatest dispatch. Thus, as a reward for ability and faithful service, when Captain García was made protector of the Indians of Coahuila, Flores was appointed to succeed him at San Antonio, on April 30, 1722. He was wounded four times in different fights, and always gave a good account of himself in action (Autos hechos a consulta, González contra Flores, 12-17). Such is the account of Flores given by the Marqués de Aguayo in 1724.

his vigilance, he said, that no horses were stolen from Béxar until August 17, 1723.<sup>1</sup> Upon this date, however, a band of Apaches made a raid upon the stock of the presidio. In spite of the fact that the corral was locked and that ten soldiers guarded the gates, the Indians broke in and carried off eighty horses. Captain Flores was notified, and, although it was midnight, set out in pursuit. After a vain chase that lasted until noon of the following day, he decided to return to the presidio for reinforcements. Two days later he again set out with a force of thirty soldiers, including eight from Bahía, and thirty mission Indians, to follow the trail of the Apaches. He carried only two pack loads of flour, and relied for meat upon buffalo and deer. In five days he passed the *Lomería*, or range of hills, to the north, and on September 24, thirty-six days after leaving San Antonio, and after having traveled one hundred and thirty leagues, he came upon a *ranchería* of two hundred Apaches, constituting one of the five bands into which the enemy had divided, who sallied forth to meet him. A six hours' battle ensued, according to the report, in which the Spaniards were victorious, thirty-four Indians, including their chief, being killed, and twenty women and children taken captives. About one hundred and twenty horses and mules were recovered, together with a quantity of plunder, consisting of saddles, bridles, knives, spears, and other articles which had been stolen by the Indians. Of the Spaniards, three, including Captain Flores, were slightly wounded, and one Indian was hurt. The return to San Antonio was made in nineteen days.<sup>2</sup>

<sup>1</sup>Flores to the viceroy, no date, in González contra Flores, 28. Sometime in 1723 two citizens of Béxar encountered a band of Apaches at a place called Puerto de los Elotes, about eight leagues from the presidio. The men were searching for some strayed horses, and although they saw the Indians approach they did not anticipate any danger from them, believing them to be friendly. They soon found out their mistake, however, for the Indians at once attacked them. One of the Spaniards was killed, but his companion managed to escape through the swiftness of his horse. Returning to the presidio, the survivor gave the alarm to Captain Flores, who sent out immediately an *alférez* with fifteen men. When they reached the place the Indians were gone, and they found only the body of the Spaniard, who had been scalped and shot through with many arrows (Cabello, Informe, 32-33).

<sup>2</sup>Flores to Aguayo, October 21, 1723, in Autos Hechos. Texas, 1-2; Flores to the viceroy, no date [1724], in González contra Flores, 26-27; González to the viceroy, in Autos sre diferentes puntos, 22; declaration of the soldiers, *Ibid.*, 23-27; Arricivita, *Crónica*, 340-341.

The fact that they went northward five days before entering the *Lomería*, and that they returned by way of the San Xavier (San Gabriel)<sup>1</sup>, where Father Pita's remains were found, would indicate a generally northward direction for the campaign. Since they were nineteen days returning and traveled one hundred and thirty leagues, the air-line distance from San Antonio could hardly have been less than two hundred miles. This would put the place where the battle occurred somewhere in the region of Brownwood, perhaps.

The foregoing account of Flores's campaign is based on the official report made by Flores to the Marqués de Aguayo, supplemented by the other accounts in so far as they do not conflict. Conflicting statements are not wanting, however. Indeed, in a later report by Flores himself we find slight discrepancies in the figures, as well as additional details. According to Fray Joseph González, missionary in Valero, who, be it noted, was not present at the battle, Flores attacked an innocent band of Apaches "behind their backs," and killed and captured his victims while they were trying to escape. González's statement was corroborated by four soldiers of Béxar, who made a declaration containing some additional facts.<sup>2</sup>

These differing and conflicting accounts of the expedition indicate in part the dissensions which were so prevalent at this time between the missionaries and the soldiers, with their respective sympathizers, and, as will be seen presently, Flores's campaign,

<sup>1</sup>Dr. Bolton's investigation of the history of the San Xavier missions has established the identity of the San Xavier river with the modern San Gabriel.

<sup>2</sup>In a letter to the viceroy, in 1724,, Flores said that he left twenty-four soldiers to guard the presidio; that the battle occurred after thirty days' march; that thirty-six Indians were killed; that one hundred and forty horses were recovered, including the eighty that had been stolen (González contra Flores, 26-27). González said that Flores set out with thirty soldiers and thirty-three Indians; that one hundred and eighty horses were recovered (*Autos sre diferentes puntos*, 22). The four soldiers testified that only seven men were guarding the horses, which were scattered at the time of the attack, and that some of these were without arms, whereas all of the numerous Indians were well armed; that the campaign had been prompted by Father González, who suggested that it would be a good time to follow the trail of the Apaches and try to convert them, and for this purpose furnished thirty mission Indians; and that Flores left González with only two soldiers, everyone else being disarmed in order to provide weapons for those who went on the campaign (*Autos sre diferentes puntos*, 23-27).

together with the consequences resulting therefrom, served only to increase the discord.

3. *Peace Negotiations.*--One important result of the campaign was to open up the way for negotiations looking to a treaty of peace with the Apaches. It had been Aguayo's idea to treat with them through captives, and it is not unlikely that Flores was acting upon the advice of his patron. Although at this time the chief object of imprisoning the Apache women and children seems to have been to bring the Indians to terms of peace, yet we can see here early hints of that Spanish custom of enslaving the Apaches which became so prevalent in Texas some years later, for Flores was charged with wishing to retain the captives as servants rather than to use them as hostages.<sup>1</sup>

Among the captives taken by Flores was a woman about forty years old, whom the captain questioned through an interpreter. He inquired the motive for the hostility of the Apaches towards the Spaniards at San Antonio and their reasons for stealing horses. She replied that it was because of the trade which the Apaches maintained with "other Spaniards" to the north, to whom they sold horses and slaves.<sup>2</sup>

This statement was to the Spaniards a confirmation of their suspicions in regard to the French, for it was assumed that these "other Spaniards" could be none other than Frenchmen who were manipulating the Apaches for their own benefit. The French had been a source of anxiety to the Spanish ever since La Salle had established his ill-fated colony at the Bay of Espíritu Santo, and it was still feared that they might try some day to wrest from Spain her northern territory. This fear had a direct influence upon relations with the Apaches, as it had upon most of their Indian relations in Texas, during the eighteenth century, and in Flores's negotiations for peace we can see the germs of a policy of alliance with the Apaches which finally, after many ins and outs, resulted in the establishment of missions for them. The Spaniards wished, among other things, to use the Apaches as a bulwark against the French and their Indian allies (the Comanches in particular), and to prepare the way for the development of trade be-

<sup>1</sup>Cf. note 1, page 212.

<sup>2</sup>Flores to Aguayo, October 21, 1723, in *Autos Hechos. Texas*, 2. See Bonilla, Par. 11, for early reports of French trade with Apaches.

tween New Mexico, Espíritu Santo, and eastern Texas, and so strengthen Spanish hold upon that vast territory.<sup>1</sup>

Upon further examination, the captive squaw said that the Apache chiefs were anxious to be friends with the Spaniards. Hereupon Flores agreed to dispatch her as an ambassador to her people, and promised to release the prisoners if the chiefs would come and make peace. She consented to carry the proposal to the *capitán grande* (head chief) of her people, and promised to return in twenty days. A horse was given her, as well as many other gifts, and about October 7 she departed on her mission.<sup>2</sup>

Within twenty-two days the squaw returned, accompanied by an Apache chief, his wife and three other Apaches. Flores went out to meet them, and the chief Indian gave him a *bastón* (cane), saying "Dios! Dios!" They were examined by Father González, given presents, and treated in the very best style. The chief reported that as soon as the squaw returned, telling of the friendship of the Spaniards and of their desire to be at peace with the Apaches, couriers were dispatched to the other chiefs to notify them, so that a council might be held to discuss matters. He himself was joined at first by another chief, but later it was decided that only one of them should go, and the other chief gave him a gold-tipped cane (the one he had brought) and told him to go and see if the Indian woman spoke the truth; if it was so, to return and notify the five chiefs so that all of them might go to make peace.

After remaining at the presidio three days, the Indians left on November 1, promising that without doubt the five chiefs would all come to make peace.<sup>3</sup> Nevertheless, although prospects seemed so flattering, it was to be a long time before they were realized.

<sup>1</sup>See a suggestion to this effect made by Aguayo to the viceroy, November, 1723, in *Autos Hechos*. Texas, 20.

<sup>2</sup>Flores to Aguayo, October 21, 1723, in *Ibid.*, 2-3.

<sup>3</sup>Flores to Aguayo, November 2, 1723, *Ibid.*, 5-7; *Autos* sre diferentes puntos, 20. Some differences appear in the declaration of the four soldiers mentioned above in regard to these negotiations. They said that Father González wished to send the squaw as a messenger of peace, but that Flores refused, until the priest told him that dire consequences would result if she were not sent. Flores finally consented, and with much labor González succeeded in making the woman understand what was required of her. She was dressed out splendidly and despatched. When she and her companions returned, they stayed three days, but as there was no in-

Indeed, very sinister tales were told, to the effect that all of these negotiations were only a ruse on the part of the Apaches to regain their women and children. A Coahuila Indian named Gerónimo who had escaped from the Apaches to San Juan Bautista declared that the Apaches had been very much aroused by Flores's campaign and that they had assembled to march upon San Antonio, when the Indian woman arrived, telling them of what the Spaniards had promised, and that (with characteristic cunning) the Apaches had decided to postpone their plans in order to secure the release of their women and children who were at San Antonio. The *capitán grande*, Gerónimo's declaration continued, consoled as best he could the disappointed Indians, promising to attack San Antonio after they had secured their relatives.<sup>1</sup> This story was confirmed by a Spaniard named Juan Santiago de la Cruz, who likewise had been a prisoner among the Apaches. He said that the Apaches were always eager for war upon the Spaniards, and that when Flores had killed some of their number on his campaign a great many tribes gathered with the intention of attacking San Antonio. But just as they were about to start, the old Indian woman arrived with a message from Flores. Two priests were sent for from another *ranchería*, and they read the letter, informing the Indians that Flores offered peace.<sup>2</sup> The *capitán grande* now decided to send a chief, accompanied by a few men, with a *bastón*, to secure the release of the captives, but agreed that as soon as the latter had been given up, a great force should assault the presidio at San Antonio. With this deceitful intent, said the Spaniards, the Apaches were sent to promise peace.<sup>3</sup>

The Apaches did not return to San Antonio until about two months had passed. In the latter part of December a band of

terpreter and they could not understand well what was wanted, they were given presents and sent back (*Ibid.*). Arricivita, *Crónica*, 341-343, gives an account of some of these negotiations.

<sup>1</sup>Declaración del Indio Gerónimo.

<sup>2</sup>Aguayo says in a letter of February 26, 1725, that two Spaniards, Fray Juan Mínguez and Pedro de Villasiar (*sic*), were at this time being held as captives among the Apaches, having been captured while on an expedition sent out from New Mexico to investigate the movements of the French (Aguayo to the viceroy, February 26, 1725, in *Autos sre diferentes puntos*, 76). The two priests referred to may have been these same men mentioned by Aguayo.

<sup>3</sup>Declaration of Juan Santiago de la Cruz, in González contra Flores, 18-19.

about thirty arrived at the settlement, where they were welcomed by Father González. The Indians were allowed to enter the mission, and González proposed to give up to them the women and children who were being held as prisoners. Flores, however, would not hear to this, and refused to release the hostages until all the chiefs should agree to make peace. González argued that they would probably not care to come until they should be convinced of the good intentions of the Spaniards. But Flores was firm in his decision, and the discussion waxed furious. The Indians finally took fright thereat and departed, leaving a twelve-year-old girl as an additional hostage and promising that as soon as the cold weather should be over four of their chiefs would come and make peace, but asserting that the fifth one did not wish to be the friend of the Spaniards.<sup>1</sup>

4. *The Removal and Restoration of Captain Flores.*—This occurrence had opened anew the quarrel between Flores and González, and the missionary began to do all in his power to secure the removal of the soldier.

In consequence of reports that Flores had allowed the presidio of San Antonio de Béxar to deteriorate, the viceroy in a letter of October 3, 1723, had warned him to be more diligent in the service of the king, and suggested that if his soldiers had been properly equipped and the presidio in good condition the Apaches would not have succeeded in stealing the eighty horses. Apparently this was a great surprise to Flores, for he claimed that he had been especially diligent in pursuing the raiding Indians, and recovering the only horses that had been stolen from the presidio during his term.<sup>2</sup>

Evidently with the view of justifying himself, on January 9, 1724, Flores appealed to González to make a statement concerning the condition of the presidio and to certify as to his (Flores's)

<sup>1</sup>Almazán to the viceroy, in Autos sre diferentes puntos, 16-17; Declaration of the soldiers, *Ibid.*, 20-21. In the declaration of the four soldiers, it was said that the Indians agreed to leave four of their number as hostages if the children were given up to their parents, but Flores would not consent to it. He got excited and spoke in a loud voice, and the Indians began to gather up their effects and get out. The Indian chief took a little girl by the hand and said to Flores: "Take girl," as if to say, "This is what you want, not peace" (*Ibid.*).

<sup>2</sup>Flores to the viceroy, in González contra Flores, 26-27.

prompt action in recovering the stolen horses.<sup>1</sup> Flores was too late, however, for before the end of November, González, through the guardian of his college, had complained to the viceroy of Flores's conduct.<sup>2</sup> Now, upon Flores's appeal, González took advantage of a new opportunity to complain of the captain's impolitic conduct in regard to the Apaches. He stated in his declaration that the Apaches had been grievously offended by the unwarranted attack upon them, and that the peace which had been so near to consummation had been irretrievably spoiled.<sup>3</sup>

Father Hidalgo, who was missionary at San Antonio de Valero at this time, and before whom González's declaration was made, supported his brother priest. To the latter's statement he volunteered to add his own opinion. The Apaches, he said, could have been converted long before if the presidios had been managed rightly. He thought that the poor pay of the soldiers was responsible for the class of men who usually enlisted, and that their bad habits caused the loss, not only of their own souls, but of those of the Indians as well. "Now, again," he continued, "the captain of this presidio has disturbed the so greatly desired peace by not releasing the children of the Apaches."<sup>4</sup>

González's opposition to Flores culminated in an effort to have him removed from his command. On March 18, 1724, he wrote to the viceroy complaining that the bad condition of the presidio was the cause of the failure to reap great harvests of souls. Since the French were anxious to ally with the Apaches, this bad state of affairs, he said, might mean ruin for the Spaniards. He told of the attack upon the corral, the stealing of the horses, the pursuit by Flores, the defeat of the Indians, the taking of the captives, and Flores's subsequent refusal to release them to their people. Finally, the priest declared, in order to repair the damage which had been done, it would be necessary that Flores be removed from his office as captain, not only because of his unchristian conduct toward the Apaches, but also because of his scandalous actions and bad example in general. As a successor to Flores, González pro-

<sup>1</sup>Petition of Flores, January 9, 1724, in *Autos sre diferentes puntos*, 28-29.

<sup>2</sup>Aguayo to the viceroy, November, 1723, in *Autos Hechos*. Texas, 29.

<sup>3</sup>Declaration of González, in *Autos sre diferentes puntos*, 29-31.

<sup>4</sup>Hidalgo to the viceroy, January 14, 1724, in *Ibid.*, 31-33.

posed Mateo Pérez, a private soldier of the presidio of the Rio Grande.<sup>1</sup>

González also suggested a remedy for the unwise policy of Flores. It was to form a company of seventy men from the various presidios, led by Father González himself, and by going to the land of the Apaches, treating the Indians kindly, giving them back their wives and children, and bestowing upon them some presents, thus again secure peace. It was the policy of the olive branch and the sword.<sup>2</sup>

Whether or not this letter of González was the cause of the removal of Flores is uncertain. At any rate, on April 6, 1724, Flores received an order from the viceroy commanding him to give up the command of the presidio to Mateo Pérez, just as González had suggested, and to retire one hundred leagues from the "province of Texas."<sup>3</sup>

Flores obeyed the order, and Pérez took charge in June. This did not mean, however, that the matter was settled. On the contrary, Flores began at once to exert himself to regain his command. He made a personal plea to the viceroy, giving his account of the raid and the fight with the Apaches, and furnishing testimonials from the Marqués de Aguayo and from other persons concerning his good conduct and ability. In his own defense, Flores said that he had recovered the only horses that had been stolen during his term of office, and that the presidio was in good condition, with the requisite number of competent soldiers, contrary to what González had charged. As to the latter's statement about the coming of the Apaches to seek peace, Flores said that the priest did not know what he was talking about; that the Apaches had never

<sup>1</sup>González to the viceroy, March 18, 1724, *Ibid.*, 2-9. Pérez, although well recommended by González, was not held in very high regard by Aguayo. The latter said that Pérez had served in the army for twenty years, and had never merited promotion beyond the rank of a private soldier. Pérez himself admitted that he was illiterate and could only sign his name—and his signature was in very rustic characters. His promotion to San Antonio, however, seems to have turned his head somewhat, and he did not prove to be so peaceful and pliable as González had supposed him. He was later made lieutenant of the presidio of Béxar, and still occupied that position as late as 1738, at which time he was in his fifty-sixth year.

<sup>2</sup>González to the viceroy, March 18, 1724, in *Autos sre diferentes puntos*, 10.

<sup>3</sup>Viceroy's decree, in González contra Flores, 26.

wished peace, but that a few of them had come to San Antonio in order to see if they could not cajole the Spaniards into giving up the captives. Flores said that he had recognized their duplicity, and had refused to treat with them unless all of their chiefs should come. These statements he substantiated by the declaration of the Spaniard, Juan Santiago de la Cruz, to the effect that the Apaches intended to raid and destroy San Antonio after they had recovered their kinspeople. Finally, Flores asked that, in recognition of his many services and on account of his family, he be restored to his command.<sup>1</sup>

To prove his good record in the service of the king, Flores enclosed a number of testimonials. One of these was from no less a personage than Fray Antonio Margil de Jesús, guardian of the College of Nuestra Señora de Guadalupe de Zacatecas. He stated that Flores had always gallantly and zealously served the king, and that he was worthy, not only to be restored to his command, but even to be promoted to the highest office in the province of Texas.<sup>2</sup>

The Marqués de Aguayo, in his testimonial, praised Flores very highly, and, indeed, it is from him that we learn most of the facts concerning Flores's career, as given above. He also defended Flores against the attacks made upon him by Hidalgo, whose charges, he said, were mere repetitions of those made by González.<sup>3</sup> To offset Hidalgo's opinion, Aguayo maintained that Hidalgo was a man easily influenced, and that Father Sevillano, who also opposed Flores, was of somewhat the same nature. As to González himself, Aguayo believed that he had purposely misstated things to the discredit of Flores, and cited Flores's letters as proof. He said that Mateo Pérez had been recommended so that González could keep him under his control and so shape the affairs of San Antonio.<sup>4</sup> Furthermore, Aguayo added, González was known to be of a turbulent disposition, as was admitted by his own college, and one who was always causing trouble.<sup>5</sup> It is only fair to state

<sup>1</sup>Flores to the viceroy, no date, in González contra Flores, 26-30.

<sup>2</sup>Letter of Fray Antonio Margil de Jesús, July 20, 1724, in González contra Flores, 35-36.

<sup>3</sup>Hidalgo to the viceroy, in *Primera entrada a la Proa de los Texas*, 8-9.

<sup>4</sup>Aguayo to the viceroy, no date, in González contra Flores, 38-39.

<sup>5</sup>*Ibid.*, 43.

that González and Aguayo had been personal enemies since 1722, when the former charged the latter with defrauding the government. This fact may have colored Aguayo's opinion of González.<sup>1</sup> Finally, Aguayo recommended that Flores be restored to the command of the presidio at San Antonio and that all back pay be given him.<sup>2</sup>

In consequence of Aguayo's intervention, on May 31, 1725, the viceroy ordered that Flores should be restored to his command and that Pérez should return to his service as a private soldier in the presidio of Rio Grande.<sup>3</sup> Thus in spite of further efforts that González may have made, Flores won his fight, and for this time, at least, the seculars triumphed over the missionaries.

5. *Further Raids and Spanish Conciliation, 1724-1725.*—While this controversy had been raging between Flores and González, the Apaches had continued to inflict upon the province their thefts and murders. The assurance given by the Indians who had visited San Antonio in November, 1723, that four of their chiefs would come to make peace did not prove well founded, and after some seven months of quiet the Apaches renewed their raids.<sup>4</sup>

At about midnight of March 9, 1724, Francisco Minchaca (*sic*), a soldier of the presidio of Rio Grande del Norte, arrived at San Antonio and reported that his companion, Antonio González, had been killed by Indians about fifteen leagues away. Flores set out at once with ten soldiers, and, reaching the scene of the attack, found the mutilated body of González. Though there were conflicting opinions as to the identity of the malefactors, there were strong indications that they were Apaches.<sup>5</sup> On March 14th or 15th,

<sup>1</sup>Aguayo to Fray Margil, July 4, 1724.

<sup>2</sup>Aguayo to the viceroy, in *Autos sre diferentes puntos*, 44.

<sup>3</sup>Viceroy's decree, *Ibid.*, 45.

<sup>4</sup>Almazán to the viceroy, October 24, 1724, in *Autos sre diferentes puntos*, 44.

<sup>5</sup>Almazán to the viceroy, March 12, 1724, in *Autos sre diferentes puntos*, 2; declaration of Minchaca, *Ibid.*, 3-5; testimony of Flores, *Ibid.*, 5-7.

González was a courier bearing dispatches from the viceroy to La Bahía, having been sent to Mexico in January preceding to give notice of the revolt of the Indians at Bahía. Minchaca served as his escort. They had left the presidio of Rio Grande on March 6, and, proceeding at a moderate pace, had reached a place called Charco de la Pita, about fifteen leagues from San Antonio, on the 9th, at three p. m. (On a map in the Austin Papers a creek by this name is shown just west of the Medina river—B. MS. Notes.) After a short rest here, they pushed on, wishing

ten Apaches, bearing the Indian captive Gerónimo, stole some horses from the corral of the presidio of San Juan Bautista del Rio Grande. Gerónimo fled to the Spaniards, gave the alarm, and the horses were recovered.<sup>1</sup> Again, in April, the Apaches attacked some mission Indians of San Antonio, killing one and wounding

to cover a stretch of bad road before darkness should overtake them. They had gone only about a league, however, when they were attacked by six nude Indians on horseback. González was wounded by two arrows and fell from his horse, but Minchaca managed to get away by threatening his pursuers with his gun, and, keeping them at a distance, he reached a ravine half a league away from Arroyo de los Payayas. Here he unsaddled his horse and rode in to San Antonio to give the alarm (Declaration of Minchaca before Governor Almazán, in *Autos sre diferentes puntos*, 3-5). In Flores's party sent out to investigate were ten soldiers, an Indian guide, and Minchaca himself. They reached Pita at 9 o'clock the next morning, and found the body. It had been stripped of all clothing and the Indians had followed their usual custom of mutilation. There were arrows in the stomach and back, a wound had been made by a spear, the flesh was torn away from the calf of one leg, and the scalp was gone. The courier's hat, shoes, and shield were found a short distance from the road. Flores took up the trail of the Indians and followed it until night closed in upon him, when, seeing that there was small chance of overtaking the fugitives, he decided to return to San Antonio. The identity of the Indians could not be definitely settled, but the most prevalent opinion was that they were Apaches, because they had fled in the direction of the Apache country, and the arrows found were declared by various of the mission Indians to be of Apache make. It was argued, however, on somewhat flimsy grounds, that the arrows were new and might have been imitated by some other tribe which wished to throw suspicion upon the Apaches, and which had fled in the direction of the *Apacheria* to strengthen this impression. Other arguments in defence of the Apaches were that the attacking Indians were nude, whereas the former were accustomed to clothe themselves in buckskin; that the Apaches used saddles, had darts and spears made of buffalo skin, and tipped their arrows with iron, while the tips of the ones found were of flint. In addition, it was asserted that if the Indians had been Apaches, they would never have allowed Minchaca to escape, but would have followed him even into the settlement and killed him there (Testimony of Flores, *Ibid.*, 5-7). In spite of these doubts, it is probable that the offenders were Apaches, and such was later conceded, for Governor Almazán, in a letter written to the viceroy on May 1, stated that about this same time some Apaches had raided the presidio of the Rio Grande, and that, since they were in the neighborhood, it might be inferred that they were the culprits in both instances (Almazán to the viceroy, May 1, 1724, in *Autos fechos en la Bahía*, 35-36).

<sup>1</sup>Declaración del Yndio Gerónimo, 3 pp. In his declaration made before Governor Falcón of Coahuila, Gerónimo stated that he was a native of Rio de Santa Helena, near Fresnillo, and that he had been left an orphan at an early age. While working for a merchant as driver (*atajador*), he had been captured by the Tobosos, who kept him for a year, and then traded him to the Apaches in exchange for deer skins, because an Apache chief fancied that he resembled a son of his who had been captured by the Spaniards in an assault upon Rio Grande (*Ibid.*).

another.<sup>1</sup> About the same time they killed a Mesquite Indian at El Almagre, took another prisoner, and killed a Paquasian Indian on the upper Medina.<sup>2</sup> Early in January of the following year these Paquasian (Paquache) Indians were attacked by the Apaches near the Nueces River. It was hoped by Father Paredes that fear of the Apaches would induce the tribe to enter the San Xavier mission, then almost extinct, at San Antonio. Similarly, some time before January, 1726, the Sanas were attacked by one hundred Apaches and driven from their *rancherías*.<sup>3</sup>

Thus we see that there was little cessation of hostilities. On the contrary, as Father Hidalgo said, "little by little the Apaches are showing their claws."<sup>4</sup>

In spite of this warlike attitude of the Apaches, however, the Spaniards continued to follow a policy of conciliation. Governor Almazán had reported, on March 24, 1724, the negotiations that had been carried on with the Apaches, and said that up to that time the chiefs had not come to make peace, as they had promised to do.<sup>5</sup> On April 25, the viceroy replying to Almazán urged upon him the importance of securing an alliance with the Apache chiefs by gentle means, which, he said, should be easy to do, since the Apaches of New Mexico were friends of the Spaniards.<sup>6</sup> Almazán answered that he would carry out these instructions, but that he had little hope of securing any good results, as the Apaches were getting worse every day, and were making life and property unsafe. Nevertheless, he gave orders that if any Apaches should be encountered they should be brought before him so that he might give them presents and dispatch them as messengers to their chiefs, offering friendship and alliance.<sup>7</sup>

These troublesome questions were referred by the viceroy to the Marqués de Aguayo for his opinion, as an authority on Texas

<sup>1</sup>Almazán to the viceroy, May 1, 1724, in *Autos sre diferentes puntos*, 35.

<sup>2</sup>Hidalgo to González, March 25, 1725, *Ibid.*, 37.

<sup>3</sup>Representacion que haze Fray Miguel Sevillano de Paredes, 5-6.

<sup>4</sup>Hidalgo to González, March 25, 1725, in *Autos sre diferentes puntos*, 37.

<sup>5</sup>Almazán to the viceroy, *Ibid.*, 19.

<sup>6</sup>Auditor's *parecer* and viceroy's decree, *Ibid.*, 42-43.

<sup>7</sup>Letters of Almazán to the viceroy, October 24 and 25, 1724, *Ibid.*, 44-47; 55-62. Bonilla states that Almazán at this time asked permission to make war on the Apaches, but that his proposal was not favorably received by the superior government (*Breve Compendio*, Par. 11). I have not seen this proposal in any of the contemporary sources.

affairs, and in February Aguayo gave his reply. He believed that the Apaches should first be treated with "gentle persuasion"; that another one of the captives at San Antonio should be dispatched with proffers of peace, and that influence should be brought to bear upon the friendly Apaches of New Mexico, in order that they might aid in bringing their kinsmen to terms. But in case the Apaches would not admit any overtures of peace, Aguayo advised that a company of eighty Spaniards and one hundred Indian allies should make an expedition against them, entering their country from New Mexico. He suggested that the necessary soldiers could be secured by taking detachments from the various presidios, and that the "Texas" Indians would be only too glad to get a chance to fight their old enemy. Nevertheless, he thought, the best way to reach the Apaches was through their captive kinsmen, and he advised that this be attempted.<sup>1</sup>

Aguayo's advice was accepted by the viceroy, and his policy was ordered carried out, with the understanding that even in case the Apaches spurned the proposals of peace, no campaign should be undertaken until due authority was given.<sup>2</sup> Thus we see the adoption of a definite policy toward the Apaches, that of conciliation before punishment, which was to continue in force for several years.

The line of division already observed between the missionaries and the seculars in regard to the Apaches was continued. The priests usually defended them and believed in their good intentions, while the civil and military officials, in spite of orders that they be conciliatory, habitually distrusted them. The spirit of the fathers is typified by the petition of Hidalgo, who, on March 18, 1725, asked for permission to go to the land of the Apaches to try to convert them. He wished to be unaccompanied save by a single lay brother, and hoped, by converting the Apaches to the "holy Catholic faith," to secure the peace of the province.<sup>3</sup>

6. *Information Acquired Concerning the Apaches.*—Through their intimate relations with the Apaches, the Spaniards at San Antonio had become very much better acquainted with them, and

<sup>1</sup>Aguayo to the viceroy, February, 1725, Autos sre diferentes puntos, 63-76.

<sup>2</sup>Auditor's *parecer*, March 31, 1725, *Ibid.*, 77.

<sup>3</sup>Petition of Hidalgo, in *Primera Entrada a la Proa de Texas*, 7-9; Arrievita, *Crónica*; 343.

by 1725 possessed concerning them considerable definite knowledge. From the correspondence of the period thus far covered we can determine the ideas of the soldiers and priests in regard to the location, organization, numbers, and general customs of the Apaches with whom they had been dealing. Up to this time very little distinction, if any, was made between the different Apache tribes, but all were included, as has been stated, under the generic name of "Apaches." Not only were the Texas Apaches included under this term, but those of New Mexico as well, together, embracing, as they said, a range of more than five hundred leagues.<sup>1</sup>

a. *Location.*—It is clear that during this period the Apaches known at San Antonio were living far to the northwest. Domingo Cabello, who was governor of Texas in 1784 and who wrote an historical sketch of the Apaches, says that at the time under consideration they lived along the Rio del Fierro, three hundred leagues "from the province of Texas." The Rio del Fierro seems to be the Wichita.<sup>2</sup> According to Cabello's statement, the Apaches lived in that region until about 1723, when they were defeated by the Comanches, their greatest foes, in a nine days' battle, and forced to seek safety in flight.<sup>3</sup> Going southward, they chose as their new home the region between the upper Colorado and Brazos rivers, at a distance of some one hundred and twenty leagues from the "province of Texas." Even here, says Cabello, they did not feel safe from the attacks of the Comanches, and began to explore the land to the south with the view of moving again in case of necessity.<sup>4</sup> Cabello's assertion as to the location of the Apaches is borne out by the various documents of this period. When Flores made his campaign in 1723 he marched for more than a month before reaching the *Apachería*, going, he tells us, a distance of one hundred and thirty leagues, or perhaps some two hundred and sixty miles, northwest from San Antonio. This agrees substantially with Cabello's statement. The length of time consumed by the woman in her embassy to her people<sup>5</sup> indicates that the Apaches

<sup>1</sup>Auditor's *parecer*, January 27, 1724, in Autos Hechos. Texas, 32.

<sup>2</sup>B. MS. Notes.

<sup>3</sup>Bancroft, in his *Arizona and New Mexico*, page 239, tells of a great battle in 1724, when the Comanches attacked the Apaches at Jicarilla.

<sup>4</sup>Cabello, Informe, 32-33.

<sup>5</sup>See page 210.

were a long distance away. When she departed, on horseback, she said that she would return in twenty days, and she was, in fact, gone twenty-two days.

The range of the Apaches extended much farther south, it is true. During the buffalo season, they were accustomed to move their camps to the southeast, between the middle Colorado and Brazos rivers, where the buffalo were most numerous. They stayed here only temporarily, however, retiring north at the end of the season. There is no ground for Yoakum's statement that on the coming of the Spaniards the Lipan Apaches inhabited the Gulf coast,<sup>1</sup> and such an opinion could not be entertained by one who is familiar with the contemporary documents now available. At this time the Apaches did not habitually range below the old San Antonio road. Attention should also be called to the evident error in the map in the *Handbook of American Indians*, Part I, which shows the Shoshonean stock, clearly referring to the Comanches, when first known to Europeans, as extending in a narrow wedge on both sides of the Colorado to a point below Austin. At this time the Comanches were held north of the Apaches, and as the latter lived a long distance northward from San Antonio, the incorrectness of this portion of the map is readily perceived. The Comanches, in their southward migration, did not reach the Panhandle till about 1700, and it was long after this before they ranged habitually east of the lower Colorado.

b. *Tribal Organization*.—Through their efforts to obtain peace with the Apaches, the authorities at San Antonio learned something of their tribal organization. The Indians with whom they treated said that they were divided into five tribes (*naciones*), each of which was governed by his own chief or *capitán*. All of these chiefs, however, recognized the authority of a head chief (*capitán grande*), who lived still farther north.<sup>2</sup> The squaw sent as a messenger by Flores described the method of the Apaches in making a raid, which illustrates this organization. She said that all of the five chiefs would assemble and furnish about twelve men each for the raid. When these returned, the booty was divided, and all returned to their respective homes. Without the permis-

<sup>1</sup>A *Comprehensive History of Texas*, I, 11.

<sup>2</sup>Flores to Aguayo, October 21, 1723, Autos Hechos. Texas, 2.

sion of the *capitán grande*, however, she said, none of the chiefs dared to make an expedition.<sup>1</sup> The names of these different bands, for such they evidently were, do not appear at this time. Moreover, the contemporary sources of the period leave us wholly in the dark as to what portion and what branch of the Apaches were being treated of. But there are indications that the principal ones were the branch that later emerged as the Lipan.

c. *Numbers*.—To the Spaniards at San Antonio the Apaches seemed to be a very numerous people,<sup>2</sup> but their number was probably much smaller than was believed. Flores said that in his campaign he fought one of the five *rancherías* and that about two hundred warriors were engaged. If he was correct in his estimate, the total population of this *ranchería* could not have been less than eight or nine hundred.

d. *Customs*.—The equipment of an Apache warrior, the witnesses tell us, was quite elaborate. They possessed many horses, had good saddles with iron stirrups, and used bridles. Their horses were usually protected from the arrows of the enemy by buffalo skins, and the Apaches themselves used skin armor, painted variously blue, red, green, or white. No mention is made of the Apaches having firearms, and it is made to appear that they fought entirely without them. Their arrows were generally tipped with iron, we are told, and they also used a kind of iron dart (*chuza*) in offensive warfare. Their clothing, as a rule, was of buckskin.<sup>3</sup>

e. *Intertribal Relations*.—As has already been stated, the Apaches had long been foes of the Indians living to the east of the middle Colorado river, and never did the Texas Indians go out to hunt buffalo without being in danger of attack from the Apaches, who were also in the same region during the buffalo season. Less worthy foes of the Apaches were the small Coahuiltecan tribes living west of the San Antonio river and south of the *Camino Real*. Of the Apaches these lived in mortal dread, and we have already mentioned some of the attacks which they withstood.<sup>4</sup> One result

<sup>1</sup>Flores to Aguayo, October 21, 1723, Autos Hechos. Texas, 2-3.

<sup>2</sup>Autos Hechos. Texas, 4; Autos sre diferentes puntos, 25; and numerous other documents.

<sup>3</sup>Testimony of Flores, in Autos sre diferentes puntos, 7; Flores to Aguayo, in Autos Hechos. Texas, 2; Arricivita, *Crónica*, 340.

<sup>4</sup>B. MS. Notes.

of Apache hostility toward these smaller tribes of southern Texas had been the formation of what was known as *Ranchería Grande*, which was composed of many tribes who had banded together to combat the Apaches, and which made its headquarters in the neighborhood of the Brazos.<sup>1</sup> From the declaration of the Indian boy, Gerónimo, it may be inferred that with the Jumanes and Tobosos the Apaches maintained friendly relations.<sup>2</sup> Indeed, the Jumanes, as will be seen, were included under the term "Apaches."

### III. PERIOD OF RELATIVE QUIET, 1726-1730

1. *The Apaches Inactive*.—For several years after 1725 the documents available do not indicate that many hostilities were committed by the Apaches. On the contrary, there are indications that they were either holding themselves in reserve, for some unknown reason, or were occupied elsewhere. Thus, on July 4, 1726, Almazán reported that everything was quiet at San Antonio, and that recently the Apaches had made no hostile move.<sup>3</sup> Sometime in 1726, it is true, the Apaches were so bold as to try to steal some horses which were being guarded by a mission Indian very near the presidio.<sup>4</sup> In 1727 they killed near the same mission a recently converted Indian.<sup>5</sup> But these are the only specific instances of violence by them cited by the documentary sources for some four years. It is not improbable that the Apaches made minor raids upon the Spaniards' stock. Indeed, Father Sevillano, writing in November, 1729, remarked, in connection with Apache relations at the mission Valero, that "lately, at every turn, there are tragedies in that mission."<sup>6</sup> But whatever troubles there may have been, they do not appear to have been of sufficient importance to merit special mention.

<sup>1</sup>B. MS. Notes.

<sup>2</sup>Declaración del Yndio Gerónimo, 2.

<sup>3</sup>Almazán to the viceroy, in *Mudanza del presidio*, 2. In this letter Almazán gives us an idea of the size of San Antonio at this time. He says there were forty-five officers and soldiers and four citizens (*vecinos*) there, and that these, with their families, reached the number of two hundred persons (*Ibid.*).

<sup>4</sup>The soldiers hurried to his aid, but did not succeed in reaching him until after a spear had pierced his neck (Fray Sevillano to the viceroy, 1730, asking for two additional soldiers in each mission, 19).

<sup>5</sup>Trassumpto de vn Memorial, 2.

<sup>6</sup>*Ibid.*

Yet, although the Apaches were peaceful, the quiet had a somewhat ominous appearance, and the colonists did not forget that the savages were likely to descend upon them at any time. Even the priests did not trust that the peace was permanent, but feared that the Indians might attack the presidio and burn the missions. This fear is voiced by Father Miguel Sevillano de Paredes in his report made in 1727.<sup>1</sup>

2. *Rivera's Recommendations.*—In 1727 Don Pedro de Rivera made a general inspection of the Spanish defenses on the frontier, and in his report of 1728 proposed a general reduction of forces in Texas. San Antonio, as well as the establishments in eastern Texas, was to be affected by this policy of retrenchment. Rivera recognized the exposed condition of Béxar and its proximity to the hostile Apaches, but, influenced, no doubt, by their recent comparative quiet, he underestimated the danger from them.<sup>2</sup> In consequence, he recommended that the garrison at Béxar be reduced from fifty-three to forty-three soldiers, "since," as he said, "it has no other enemies in its neighborhood than the Apache Indians, who inhabit the *Lomería Grande* (big range of hills), which nation is not so large as to cause anxiety to that presidio even though its garrison should be smaller than the one which now protects it."<sup>3</sup> He said that even if the Apaches did commit petty thieveries, through the carelessness of the soldiers, they would soon learn the consequences of their acts and would desist from them.<sup>4</sup>

3. *Effect of the Recommendations.*—These ill-advised recommendations at once caused a storm of protest from the missionaries. Father Vergara complained that to take ten men from the presidio of Béxar would mean the ruin of the missions at San Antonio, for the Apaches would soon learn of the reduction in forces, and would be encouraged to renew their hostilities.<sup>5</sup>

In 1731 the Querétaran missions were removed from eastern Texas, and after several other locations had been projected for them

<sup>1</sup>Fr. Miguel Sevillano de Paredes, *Visitas de las misiones del Río Grande del Norte*, October 15, 1727, 37.

<sup>2</sup>Rivera. *Proyecto*, 6.

<sup>3</sup>*Ibid.*, 34.

<sup>4</sup>*Ibid.*

<sup>5</sup>Vergara to the viceroy, July 20, 1729, in *Diligencias que hizo el colegio*, 14.

were re-established near San Antonio. The proximity of the Apaches had much to do with determining the sites, for it was deemed dangerous to establish them in any place less protected from that tribe.<sup>1</sup> In this same year the population of San Antonio was further increased by the coming of the Canary Islanders. They were not a highly courageous lot, and their fears of the hostile Indians added considerable to the alarm felt at San Antonio. The new colonists, afraid to settle on the lands that had been assigned them some distance away, congregated under the shelter of the presidio.<sup>2</sup> Hardly had they become established in their new home when the Apaches awoke from their inaction and began a series of raids more serious than any before experienced from them at San Antonio.

#### IV. THE CAMPAIGN OF BUSTILLO Y ZEVALLOS

1. *Renewed Raids.*—The renewed hostilities began with the opening of 1731. On January 9, Fr. Salvador de Amaya and Fr. Francisco Bustamante with a small party, escorted by four soldiers, were attacked by fifty Apaches while on their way from San Antonio to Rio Grande, a woman being killed and a boy carried away into captivity. The rest of the party "miraculously" escaped with their lives.<sup>3</sup> No attempt being made to punish this attack, the Apaches grew bolder, and before long entered the mission of San Antonio de Valero and carried away fifty burros.<sup>4</sup> At another time they visited one of the new missions during the absence of the priest, and, putting to flight the recently congregated Indians, stole all of the horses there.<sup>5</sup> Again, about April 15, it seems, eighty Apaches attacked a squad of soldiers who were conducting horses to the Rio Grande, at the place where the two priests had been assaulted on January 9. The soldiers were ignominiously scattered and all of the horses captured.<sup>6</sup> Later, on June 25, Fr. Zaes Monge and Fr. Benito de Santa Ana, accom-

<sup>1</sup>B. MS. Notes.

<sup>2</sup>Cabello, Informe, 33.

<sup>3</sup>Fr. Mezquia to the viceroy, May 4, 1731, in Carpeta de Correspondencia, 74; same to same, August 8, 1731, *Ibid.*, 84-85.

<sup>4</sup>*Ibid.*, 75, 85.

<sup>5</sup>*Ibid.*

<sup>6</sup>*Ibid.*

panied by five soldiers, were attacked by the Apaches while en route to Rio Grande. Two soldiers were wounded and all of the horses carried off.<sup>1</sup> Thus all but the last of these raids occurred between January 9 and April 17, and the priests now cited them as evidence of the insufficiency of the escorts that were assigned them. As a result of their complaints, Rivera, now convinced of the seriousness of the Apache situation, recommended that eight soldiers and a *cabo* (chief) should be given them on their journeys from Rio Grande to San Antonio.<sup>2</sup> At the same time he also recommended that permission be given to the captain of Béxar to punish the Apaches for their repeated crimes, as had been requested by Captain Almazán, for, he said, unless something were done to uphold the honor of the Spanish arms, their outrages would soon pass beyond all bounds.<sup>3</sup> But no immediate action was taken to punish the offenders.

After these repeated attacks, there was a lull in the depredations that lasted until the middle of September. But the inhabitants at San Antonio felt anything but secure, and their alarm was materially increased in the first part of August by the capture of an Apache who declared that a great number of his people were assembling in their country preparatory to making a combined attack upon the settlement. This warning was justified, as will be seen from subsequent events.<sup>4</sup>

2. *The Fight at San Antonio, September 18, 1731.*—Quiet was broken by a raid on the stock of the presidio at San Antonio on September 18, 1731, at noon, when the Apaches attacked the horse herd (*cavallada*) and succeeded in stealing about sixty beasts. Don Juan Antonio Pérez de Almazán, who was now captain at Béxar, was at once notified, and, although he was ill at the time, set out immediately in pursuit of the offenders, dispatching a sergeant with five soldiers in advance. When Almazán overtook them, at a distance of about a league from the presidio, he found them engaged in a fight with at least forty Indians, and, as he

<sup>1</sup>Mezquía to the viceroy, August 8, 1731, Carpeta de Correspondencia, 85.

<sup>2</sup>Rivera to the viceroy, May 26, 1731, *Ibid.*, 82.

<sup>3</sup>*Ibid.*, 81-82.

<sup>4</sup>Almazán to Casafuerte, December 1, 1731, in *Pacificacion de Apaches*, 5.

tells us, had he not arrived at that opportune time all six would have perished.<sup>1</sup> They were by no means free from danger with the coming of reinforcements, for the Spaniards did not number more than twenty-five men in all, while, according to Almazán, just as they arrived about five hundred Indians came out from their hiding places, all on horseback and well armed. The combined force now attacked the soldiers with great fierceness, forming their line of battle in the shape of a crescent (*media luna*), and gradually surrounding the small band. The battle lasted for more than two hours, and two men had been killed and thirteen badly wounded, when the Spaniards decided to dismount at the foot of a tree and sell their lives as dearly as possible, since most of the horses were disabled and some of the wounded soldiers unable to remain in the saddle. The Indians continued drawing the death circle around the Spaniards, who thought that they had only a few moments to live. But suddenly the Indians began to flee, much to the astonishment of the soldiers, for there seemed to be absolutely no reason why they should not have finished the small force and have proceeded to ravage the missions and the presidio, which would have been an easy task, for fourteen soldiers were absent on a mission to Coahuila. Almazán said that it was only by a miracle of Divine Providence that the whole settlement was not exterminated.<sup>2</sup>

The abandonment of the fight by the Indians was very characteristic of Apache warfare. They usually fought very cautiously, as they could not afford to lose many men, and a warrior was not easily replaced. Knowing that many of their own number would be killed while the Spaniards were being overpowered, and fearing that, in the meantime, reinforcements might come from the presidio, they followed their usual course and fled with the horses they had stolen. On the part of the Spaniards, this encounter is an instance of very plucky fighting, in that a small number held their own against great odds. Their remarkable resistance would

<sup>1</sup>Almazán to Casafuerte, December 1, 1731, *Ibid.*, 4. Bonilla erroneously states that this fight occurred at the end of 1730 (*Breve Compendio*, Par. 13).

<sup>2</sup>Almazán to Casafuerte, December 1, 1731, *Pacificacion de Apaches*, 4-5.

have been impossible, however, if the Indians had been provided with firearms, as was the case with the soldiers.<sup>1</sup>

Three distinct tribes participated in this battle, according to the various statements made. Indeed, now for the first time, in the sources at my command, the contemporary writers distinguish the different bands of their foes. The Apache captive mentioned above,<sup>2</sup> being shown the arrows left on the field of battle, declared that they belonged to the Apaches, Pelones, and Jumanes, "all three of which are very numerous in Indians and very warlike."<sup>3</sup> In a petition of the soldiers of the presidio, which will be referred to later, these same tribes were enumerated.<sup>4</sup> It is interesting to note that Joseph de Urrutia, writing on July 4, 1733, wondered at this alliance between the Apaches and the Jumanes and Pelones, because, he said, the Apaches were formerly the enemies of these other tribes and would not admit them to their friendship. This alliance with other tribes may indicate that the Apaches were no longer as independent as they had been, and that the Comanches were pressing hard upon them,<sup>5</sup> as we know was later the case.

3. *Almazán's Report and the Authorization of a Campaign.*—Almazán, in reporting these occurrences to the viceroy on December 1, 1731, complained of the lack of forces at the presidio. He said that the number of soldiers was entirely inadequate for the many occupations that were necessary, that much of the time the presidio was left without any defense except for a very few soldiers, and that the missions were exposed to total ruin. He predicted that the outrages of the Apaches would, in the immediate future, increase to such an extent that past ones, although so many, would not be a circumstance compared to those that would follow. Never before, he said, had the Apaches committed so many hostile acts

<sup>1</sup>Joseph de Urrutia, mentioning this battle in 1738, says that Almazán had twenty-two men and the Apaches about five hundred; that two soldiers were killed and seventeen wounded, among the latter being Almazán himself. He says that the fight occurred about half a league from the presidio, and gives as the reason for the flight of the Apaches their fear of reinforcements from the presidio (Urrutia to the viceroy, May 9, 1738, in *Expediente sobre la campaña*, 7-8). Arrievita says (*Crónica*, 344-345) that the invaders were frightened away by the yells of the mission Indians.

<sup>2</sup>See page 226.

<sup>3</sup>Almazán to Casafuerte, December 1, 1731, in *Pacificacion de Apaches*, 5.

<sup>4</sup>Declaration of soldiers, *Ibid.*, 15-16.

<sup>5</sup>B. MS. Miscellaneous, 1730-1733.

as they had in this year, and such was the terror felt at San Antonio that the soldiers were preparing to remove their families to places of safety.<sup>1</sup> He stated that it would be impossible to make the campaign for which permission had been given him before the following year, on account of the lateness of the season and the scarcity of men. He thought that a large force would be necessary, for, he said, one hundred men would have had difficulty merely in holding their own in the fight of September 8, in which only a small portion of the entire Apache nation had participated. Not more than about sixty soldiers, he said, could be secured from all of the presidios of Texas combined, while citizens (*vecinos*) could with difficulty be prevailed upon to engage in a campaign, because the enslaving of captives had been prohibited, thus leaving no chance for compensation by securing an *Indito* or *Indita*.<sup>2</sup>

Almazán's letter was referred to Rivera, who, apparently, was now in Mexico City, and in consequence he made two recommendations: first, that the presidio of Bahía should be removed to the Medina river, on the San Antonio road, in order to ward off the Apaches in that quarter; and, second, that the campaign be undertaken as he had before advised. Rivera was of the opinion that one hundred and fifty soldiers, reinforced by the Indian allies that could be secured, would be enough to make the expedition, and that this number could be raised from Adaes, Bahía, and Rio Grande. He did not agree with Almazán that a large force would be necessary to punish the Apaches, for, he maintained, the success of a campaign depended not so much upon numbers as upon the efficient control of the men. To support this assertion he cited several successful campaigns made by small forces, mentioning among these Flores's expedition of 1723.<sup>3</sup> In regard to captives,

<sup>1</sup>Almazán to Casafuerte, December 1, 1731, in *Pacificacion de Apaches*, 6-8.

<sup>2</sup>*Ibid.*, 7-8.

<sup>3</sup>Others cited were: Don Fulano de Zavala, with 100 men, defeated more than 2000 Yaquis in the province of Ostimuri; in 1693, Don Diego Vargas, with 100 men, had reduced New Mexico; Don Antonio Valverde, with 100 men, had defeated 300 Apaches in Llanos de Café; in 1696, Don Félix Martínez, with 100 soldiers, had defeated 6000 Tanos at Oñate, the capital of the province of Moqui; in 1696, Juan Isidro de Pardiñas, with a few soldiers, defeated 14,000 warriors in Tarahumara; in 1725, Joseph Balentín de la Garza, captain of the presidio of El Paso, with only thirty-five men, defeated the numerous Suma nation and its allies (Summary of Rivera's report, December 29, 1731, *Ibid.*, 11-12).

Rivera implicitly yielding to Almazán's implied demand, said that great care should be taken to prevent the Indian allies from killing such captives as might be taken, and that to prevent this it would be best to send them to other provinces and bring them up in the Catholic faith.<sup>1</sup>

On January 6, 1732, the viceroy ordered that Rivera's recommendations for the removal of Bahía and for the campaign against the Apaches should be carried out.<sup>2</sup> The first part of the order was never fulfilled.

4. *The Campaign of Bustillo y Zevallos, 1732.*—It was to Captain Almazán that permission was given to make the campaign, but Governor Mediavilla y Ascona, jealous of his own prestige, perhaps, asked to be allowed to lead the expedition. He did not remain in office long, however, and it fell to the lot of his successor, Don Juan Antonio de Bustillo y Zevallos. This, it would seem, occasioned a bitter quarrel between the two men.<sup>3</sup> Affairs dragged along in the usual slow fashion, and it was not until October, 1732, that a start was made. On the 22d of that month, Bustillo, the new governor, set out from San Antonio with a force of one hundred and fifty-seven Spaniards, thirty-two of these being servants, and sixty mission Indians. He carried one hundred and forty pack-loads (*cargas*) of supplies and had nine hundred horses and mules, some of which were later utilized to good advantage.<sup>4</sup> With this large company, Bustillo proceeded to the San Xavier (San Gabriel) river, where he expected to be joined by some Indians of the "Texas" tribes. They did not appear, however, because, it was said, one of their chiefs, who was called *El Francés* from his devotion to the French, warned his people that the Spaniards wished to lure them from home, kill them, and seize their women and children.<sup>5</sup> Bustillo, after waiting in vain for the Texas until November 1, continued his march towards the north-

<sup>1</sup>*Ibid.*, 10-12.

<sup>2</sup>*Ibid.*, 12. Mediavilla y Ascona, in a letter to Fray Terreros, June 28, 1746, said that this campaign was to have been made for the purpose of chastising the Apache, Yita, and Tastasagonia tribes, who made war on and terrorized the Mayeyes, Vidaes, Salineros, and the Erbiapiames.

<sup>3</sup>Cf. page 234, note, for the controversy that grew out of this.

<sup>4</sup>Memorial del Govor. Bustillos, 1746, 6; Bustillo to the viceroy, January 31, 1733, in *Pacificacion de Apaches*, 32.

<sup>5</sup>*Ibid.*, 26; Memorial del Govor. Bustillos, 1746.

west, apparently following the Little River.<sup>1</sup> In order not to be discovered by the Apaches, whose land they soon entered, it was necessary, says Bustillo, to proceed with great caution. Spies were sent ahead, both to the north and to the northwest, but, at first, no signs of Indians were seen. This caused Bustillo to become impatient, and he resolved, as he declares, to find the Apaches even if he had to go clear to New Mexico. He now entered an unknown land, crossed strange rivers, and came into a cold, rough country. The march was exceedingly slow, and at the end of about six weeks Bustillo was, as he said, only about seventy leagues from San Antonio, although his winding course carried him, in actual distance, more than two hundred leagues. He took this roundabout way both to meet the Texas and to avoid being discovered by the Apaches, for, he said, had he gone directly into the *Lomería* from San Antonio, he would have been seen on the second day.<sup>2</sup> On December 8, after mass had been said, an Indian spy named Asencio, who was one of the San Antonio mission Indians, arrived at the camp and reported that the *rancherías* of the enemy were about ten or twelve leagues away on the banks of the same river which the Spaniards were now following.<sup>3</sup> Acting upon this information, Bustillo moved his camp to within about five leagues of the Indians. Here a council of war was called, at which Asencio was the chief witness. He was very badly frightened, and when questioned as to the number of the enemy, replied that he had never seen so many gathered together before in his life.<sup>4</sup>

In the council it was decided to press on towards the *rancherías*, and ten Indians were sent ahead as spies. Bustillo left the greater part of the expedition here, and taking one hundred men, at about sunset began his march of some ten miles to the enemy. They traveled all night, with great difficulty, because of the rough ground and their ignorance of the country. In the early morning hours

<sup>1</sup>Pacificacion de Apaches, 26. Cabello, in his "Informe," says that they followed the Brazos river, but he probably meant the "*primer brazo*," or "first Brazos." Dr. H. E. Bolton has identified the "*primer brazo*" with the present Little River, and has cleared up the confusion that has previously existed upon this point.

<sup>2</sup>Bustillo to the viceroy, January 31, 1733, in Pacificacion de Apaches, 32-33.

<sup>3</sup>*Ibid.*, 27.

<sup>4</sup>*Ibid.*

Asencio, who was acting as guide, lost his bearings and did not know which way to take, but after reconnoitering a bit, he returned after daybreak and reported that a *ranchería* must be nearby, for he had heard the barking of dogs.

Another council was now held. Some were in favor of trying to conceal themselves until the next day, but Bustillo thought it best to attack at once before they should be discovered. At about 8 o'clock (on the morning of the 9th), absolution having been given by the priests, the company set out in two ranks, with Bustillo between them. The *rancherías* could now be seen at a distance of about half a league, just across the river.

No sooner had the stream been passed than the fighting began. The enemy numbered, the Spaniards believed, more than seven hundred warriors, and included members of four tribes, the Apaches, Ypandis (Lipan), Ysandis, and Chentis. They were in four separate *rancherías*, covering more than half a league, and their tents numbered more than four hundred. The Indians were well disciplined, and showed extraordinary courage. They were on horseback, and were armed with leather breastplates, which no lance or arrow could penetrate. They waited until the soldiers had discharged their guns, and then closed in with them in a hand-to-hand struggle. These tactics were used repeatedly throughout the battle. As fast as the Indians were killed their bodies were removed by their friends and thrown into the river. Among those who met their fate was a prominent chief, whose death caused much disturbance in the ranks of the Indians. His silver-headed *bastón* (cane) was taken to Bustillo by the chief of the friendly Pamopas, a mission Indian with the soldiers. The fact that this chief had such a cane indicates that he had maintained friendly relations with the Spaniards at some previous time, or had gotten it from some one who had.

The battle continued for about five hours, but the advantage of the Spaniards' firearms could not be overcome by the Indians, and at about one o'clock they retired, having been entirely driven out of their *rancherías*. Bustillo estimated the number of Indians killed at two hundred, although he said that it was impossible to know with certainty, for the bodies had been removed as fast as they fell. Only thirty women and children were taken prisoners because most of them had fled upon the approach of the Spaniards.

About seven hundred horses<sup>1</sup> were recovered and one hundred mule loads of peltry and other plunder captured. Not one Spaniard was killed on the field of battle, though seven were wounded, one of whom died within five days after.<sup>2</sup>

From the contemporary documents alone, no definite conclusion can be formed as to the exact locality of the place of battle. We only know from them that Bustillo had gone to the San Xavier River, on the edge of the "monte grande" (Eastern Cross Timbers), and that he had thence set out northwest, apparently following the first Brazos, or Little River.<sup>3</sup> We are also told that "strange rivers" were crossed on the way, and that the Indian camp was about seventy leagues from San Antonio, in a very rough country, with a river running near the *ranchería*.<sup>4</sup> With this meager information, the location might be assigned to various regions somewhat wide apart. Fortunately, however, later documents throw additional light upon the matter. In an investigation held at Los Adaes in 1756 for the purpose of obtaining evidence as to Texas's right to exercise jurisdiction over the San Sabá country, testimony is given showing that Bustillo's campaign took him to the San Sabá region. Five witnesses testified to the effect that they had accompanied Bustillo on the campaign, and that the battle had occurred on the San Sabá river; two said that they had afterwards been to the San Sabá river, and had been shown the battlefield; and two declared that they had heard it said and that it was generally known that they had gone to the San Sabá.<sup>5</sup> This testimony, it would

<sup>1</sup>Bonilla says "ganado," but evidently means horses (*Breve Compendio*, Par. 13).

<sup>2</sup>This account is based upon Bustillo's report of January 31, 1733, in *Pacificacion de Apaches*, 26-36; the petition of the soldiers of Béxar, *Ibid.*, 15-19; *Escrito* of Almazán before Bustillo, January 31, 1733, *Ibid.*, 40-41; Cabello, *Informe*, 34. In his "Informe" Cabello gives some conflicting details. He says that Bustillo had 300 men with him; that in the battle 300 Indians were killed and thirty-eight prisoners taken; that twenty horses were stolen from the Spaniards. He said that one of the prisoners declared that the *ranchería* was composed of 1700 persons, 500 of whom were absent hunting buffalo (*Informe*, 34). Arrievita (*Crónica*, 345) erroneously states that the campaign was made in 1730. The details given by Bonilla agree essentially with the above account, which was written before Bonilla's work was consulted.

<sup>3</sup>*Escrito* of Almazán before Bustillo, January 31, 1733, in *Pacificacion de Apaches*, 27; *Memorial del Govor. Bustillos*, 1746, 6.

<sup>4</sup>*Pacificacion de Apaches*, 27, 30, 32.

<sup>5</sup>Testimony taken in support of the right of Béxar to exercise jurisdiction over San Sava, etc.

seem, should be given due credence. It shows that the Apaches were now considerably south of the country in which Flores had found them in 1723.<sup>1</sup>

After the Indians had fled, a council of war was held, and it was decided to return to the main camp where the rest of the force had been left, since the enemies, as it was said, although defeated, still had many good warriors and might attack the camp, while the Spaniards would be at a disadvantage because of their ignorance of the country. Fifty men were detailed as a rear guard. No sooner had the return march commenced, than the Apaches began to harass them. At one time an ambuscade was laid for the Indians, and this checked them somewhat. At about eight o'clock that night the camp was reached. The next day dawned upon various bands of Apaches looking down from neighboring hills, but because of the roughness of the country and the river which intervened they could do no damage. They continued to trouble the expedition, however, during the return to San Antonio, stealing horses whenever an opportunity was presented. The company reached Béxar on December 22, just two months after their departure. The return trip was made in fifteen days, while six weeks had been spent in going.<sup>2</sup> This indicates the extreme caution with which they had proceeded, and the comparative haste they made in getting back, for it must be remembered that they had about fifteen hundred horses to impede them.

5. *Efforts to Obtain Peace.*—During the absence of the soldiers other bands of Apaches had raided the stock at San Antonio, and when the governor returned various petitions were made asking him not to distribute the captives, but to hold them as a means of

<sup>1</sup>In a bitter controversy that grew out of the founding of the San Xavier missions in 1746 (for account of which see Bolton, "The San Xavier Missions," MS.), Melchor de Mediavilla y Ascona, who had been the predecessor of Governor Bustillo, denied that the latter had ever fought this battle with the Apaches. He claimed that a cannon had been fired, causing a great number of Indians to assemble, whereupon, Bustillo became alarmed and fled to San Antonio as quickly as possible (Mediavilla to Fray Alonso Terreros, June 28, 1746, 9). But Bustillo's report given in this connection agrees exactly with the one he rendered at the time of the campaign, and is corroborated by reports from the soldiers of Béxar and by Father Vergara, so that there is no doubt that he met the Indians as has been described.

<sup>2</sup>Declaration of soldiers, in *Pacificacion de Apaches*, 17-18; Bustillo to the viceroy, January 31, 1733, *Ibid.*, 30-32.

making peace with the Apaches. To this effect they recommended that one or two of the captured women be sent as messengers to ask for peace or, if this plan should not be adopted, that another campaign be made against them with a force of three hundred men. If peace could not be secured by one means or the other, they said, it would be impossible to live in San Antonio.<sup>1</sup>

This petition was seconded by Fray Gabriel de Vergara, president of the missions of San Antonio and minister in that of Concepción de Acuña, who added the weight of his influence towards inducing the governor to send the two Indian women as messengers to their people, and to retain the rest of the captives as hostages, in order to facilitate the reconciliation. Vergara emphasized the exposed condition of the missions and of the settlement as long as the Apaches should be enemies of the Spaniards, and called attention to the danger that the English or the French would make them their allies. He believed, he said, that the Apaches would make good citizens if reduced to politic life.<sup>2</sup>

In consequence of these petitions, Bustillo, on January 4, 1733, dispatched two squaws, one an Apache and the other of the "Ypandis alias Pelones" tribe. They bore letters for their chiefs, and were supplied with horses and provisions for their journey. A sergeant and nineteen soldiers, with a priest, escorted them as far as the San Hibón River (Guadalupe), and took leave of them very hopefully and joyfully.<sup>3</sup>

One of Fray Vergara's aims in trying to secure peace is seen in his letter of January 31, 1733. On that day he wrote to the viceroy asking that attention be given to the establishment of missions for the Apaches. He referred to the good nature and truthfulness of the captives taken in the last campaign and said that it would be a "sad thing that such a multitude of souls should be eternal dwellers in the infernal caverns, because of the lack of the gospel," especially, he continued, when there were so many priests in New Spain ready to preach to them. He again expressed his conviction that the Apaches, if reduced, would form most flourish-

<sup>1</sup>*Ibid.*, 17-18, 30.

<sup>2</sup>Petition of Vergara, December 23, 1732, *Ibid.*, 20-21.

<sup>3</sup>Auto of Bustillo, *Ibid.*, 22-23.

ing missions, because of the numerous and desirable people, and of the water, lands, and other conveniences offered.<sup>1</sup>

On the same date Bustillo wrote his report of the campaign enclosing the petitions and letters mentioned above.<sup>2</sup> But just as the courier was about to leave for Mexico, smoke was seen in the distance, and as this was the signal which had been agreed upon, the letters were held back in order to report the outcome of the embassy. Two days later one of the squaws, accompanied by three warriors, arrived at Béxar. One of the men, who seemed to be an Indian of distinction, stated that he had been sent by his chief, the head of the Apache tribe, to see if the women had told the truth about the Spaniards wishing to establish friendly relations with them. The *capitán grande* himself, he said, was assembling his people in order that all might concur in the peace, and four chiefs would soon come with many people to conclude the negotiations. He declared that there were thirty-seven tribes along the road to New Mexico bearing the name Apache. The Indians were very much pleased, they claimed, with their kind reception and the prospect of peace, wishing to return at once and notify their chief. Bustillo detained them three days, however, feasting and regaling them, and it was not until the 5th that they set out, promising to return within two moons.<sup>3</sup>

On November 26, 1732, the viceroy had asked why the Apaches always succeeded in their attacks upon San Antonio, while no other Texas presidio was troubled by them.<sup>4</sup> In answer to this, Captain Almazán made a statement before Bustillo on January 31, 1733, for transmission to the viceroy. He explained that the Apaches confined their raids almost entirely to the presidio of Béxar because of its proximity to their homes, and that they did not trouble Adaes or Bahía because of the distance to be traversed and the hostile Indians who intervened. Not only were the Apaches hostile to San Antonio, he said, but recently two other tribes, the Yxandi and the Chenti, had joined them. These tribes, Almazán

<sup>1</sup>Vergara to the viceroy, January 31, 1733, *Ibid.*, 24-25; Arricivita, 345.

<sup>2</sup>Bustillo to the viceroy, January 31, 1733, with enclosures, *Pacificacion de Apaches*, 26-36.

<sup>3</sup>Bustillo to the viceroy, February 5, 1733, *Ibid.*, 37-38.

<sup>4</sup>Declaration (*escrito*) of Almazán before Bustillo, January 31, 1733, *Ibid.*, 38.

stated, were now heard of at Béxar for the first time.<sup>1</sup> Governor Bustillo corroborated Almazán's statement, and showed that the exposed condition of San Antonio was the explanation for the attacks made upon it.<sup>2</sup>

V. PANIC AT SAN ANTONIO AND CONTINUED RAIDS, 1733-1738

1. *Apache Treachery and Panic at San Antonio.*—Under the guise of peace the Apaches now entered San Antonio with great freedom, and for a time a spirit of seeming amity prevailed between them and the Spaniards. The latter assumed that the peace was on a firm basis and to some extent relaxed their vigilance. The evil consequences of this bad policy were soon apparent. On March 27, three warriors and a squaw, who had come in ostensibly to trade, left the presidio for their country, being accompanied, as usual, by a few soldiers to see them safely out of the settlement. On this occasion they were escorted by Alférez Xavier Maldonado, Joseph Caravajal, and another soldier, the last of whom turned back to secure aid in killing some buffaloes that were seen near by. The first two continued with the Indians as far as the hill called "El Devisadero," about one and one-half leagues away. Trusting in the treaty which had been made, they were somewhat careless, and when a band of about twenty-four Indians was seen approaching they awaited their coming without misgivings. As the savages came nearer, however, advancing in two wings, the soldiers recognized their hostile intentions. The scene was observed by the lieutenant of the presidio. He saw the two soldiers fall from their horses and their bodies surrounded by the Indians. When they were afterwards found, they presented a horrible sight. The bodies had been terribly mutilated and the bones stripped of their flesh, which had been carried away by the Apaches, says Father Vergara, to "satisfy their vengeful appetite."<sup>3</sup>

This flagrant rupture of the peace caused a genuine panic among the inhabitants at San Antonio. They now realized that the Apaches could not be trusted. After this outbreak the raids on

<sup>1</sup>*Ibid.*, 39-40.

<sup>2</sup>Bustillo to the viceroy, January 31, 1733, *Ibid.*, 42-43.

<sup>3</sup>Statement of company of Béxar, April 11, 1733, *Ibid.*, 44-46; statement of Fray Vergara, April 15, *Ibid.*, 47-48; statement of the cabildo of San Fernando, April 10, *Ibid.*, 49-50; Bustillo to the viceroy, April 20, *Ibid.*, 51-56.

the stock were renewed, and no one was safe outside of the missions and presidio. Great columns of smoke were seen on the Guadalupe and Rio Grande roads, and the terrified imaginations of the people could see vast concourses of barbarous Indians assembling to destroy the settlement.<sup>1</sup> With difficulty could the priests restrain the Indians from deserting the missions and fleeing to the forests, and, said Father Vergara, no one could blame them, for it was only natural that they should desire to preserve their lives. The neophytes, fearing that the same cruelties that had been practiced on others would be visited upon themselves, would not go out to watch the cattle.<sup>2</sup>

That the terror was not confined to the neophytes is shown by three petitions which were now drawn up. One was by the soldiers of the presidio. They said that their petition was not caused through fear for themselves, and that they only asked for permission to remove their families beyond the Rio Grande to a place of safety. As for themselves, they were willing to remain until the end, and to give up their lives in the service of the king.<sup>3</sup>

Another petition was made by the civil authorities. In it they emphasized the weakness of the presidio and the exposed condition of San Antonio, and prophesied that the Apaches would invade the place to liberate their kinsmen held as prisoners—an easy feat because of the lack of soldiers.<sup>4</sup> Father Vergara's statement, representing the missionaries, was of a similar nature. He no less emphatically stressed the danger from the Apaches and the need for reinforcements.<sup>5</sup>

Governor Bustillo transmitted these petitions, together with his own report of the incidents related, on April 20, 1733, and fully corroborated the statements made, saying that the future of the whole settlement was in danger unless something should be done at once to relieve the situation.<sup>6</sup>

2. *Provisions for Defense.*—In answer to these petitions the central government took some feeble measures for the greater

<sup>1</sup>Statement of cabildo, April 10, *Ibid.*, 50.

<sup>2</sup>Statement of Vergara, April 15, *Ibid.*, 48.

<sup>3</sup>Statement of the military company, April 11, *Ibid.*, 44-46.

<sup>4</sup>Statement of the cabildo, April 10, *Ibid.*, 49-50.

<sup>5</sup>Statement of Vergara, April 15, *Ibid.*, 47-48.

<sup>6</sup>Bustillo to the viceroy, April 20, 1733, *Ibid.*, 51-56.

security of San Antonio. One of the first steps was to make Don Joseph de Urrutia captain of the presidio of Béxar, he being named because of his long experience with Indians. His order to take formal possession of the presidio was dated July 23, 1733. He was charged to secure the alliance of his old Indian friends and unite them against the Apaches, with the aim of making a campaign to compel them to remain quiet.<sup>1</sup>

The next step was to increase the garrison of forty-three men at Béxar by adding fifteen men from the presidio of Bahía and the same number from that of Adaes. These additional forces were to remain in Béxar subject to the order of the captain there as long as the hostility of the Apaches should continue. It was also provided that the governor should have authority to levy upon presidios outside of his jurisdiction in case of urgent need.<sup>2</sup> Thus Rivera's unwise policy was reversed.

A few words concerning Joseph de Urrutia may not be out of place. He was born in Guipúscoa, Spain, about the year 1678, as is seen from a statement of his age in his testimony given in an investigation in 1738, at which time he was about sixty years old.<sup>3</sup> He was with Terán in 1691 in the expedition to Texas, and was left, a mere youth, at the garrison established near the Neches by Terán. When the soldiers withdrew in 1693, Urrutia met with an accident on the Colorado river and was forced to remain among the Indians.<sup>4</sup> Here he lived among the Cantuajuanás, Toos, and Yemes for seven years (apparently not among the "Texas," as has been supposed), and was made "captain general" of all the nations that were hostile to the Apaches,<sup>5</sup> learning their languages and becoming intimately acquainted with their customs. He headed joint campaigns against the Apaches, he said, with evident exaggeration, numbering at times as many as 10,000 or 12,000 warriors.<sup>6</sup> By 1733 he had had about forty years' experience with

<sup>1</sup>Auditor's opinion and viceroy's decrees, July 18, July 23, and July 30, 1733, 1-5.

<sup>2</sup>*Ibid.*

<sup>3</sup>Testimony of Urrutia, in *Ynfidelidad de Apaches*, 6-8.

<sup>4</sup>Urrutia to the viceroy, May 9, 1738, in *Expediente sobre la campaña*, 8.

<sup>5</sup>Order of viceroy empowering the governor of Texas to call on other presidios for troops to defend San Antonio (1733), 4; B. MS. Notes Miscellaneous, 1730-1733; *Expediente sobre la campaña*, 16.

<sup>6</sup>*Ibid.*, 8; B. MS. Notes, Miscel., 1730-1733.

Indians in Coahuila, Nuevo León, and Texas,<sup>1</sup> and was probably the best informed of all the Spaniards on Indian affairs in Texas.<sup>2</sup>

3. *A Succession of Unpunished Raids, 1734-1738.*—Whether or not the Apaches resented the appointment of their old enemy, Urrutia, as captain of Béxar, and therefore vented their spite upon him in the form of continued depredations, it is impossible to know, but at any rate it is a fact that from 1734 to 1738 there is very little to record save a succession of Indian raids upon San Antonio and vicinity. Strangely enough, during all this period, in spite of his reputation as a fighter, Urrutia, whatever the cause of his weakness may have been, took no effective steps toward retaliation.

Merely in order to give an idea of the troublesome nature of the Apache question, and to show what a blight they must have been to the everyday life of settlement, the narration of these attacks is necessary. In 1734, the exact date does not appear, a band of Apaches, headed by a chief called Cabellos Colorados (Red Hair) who figures prominently in Indian hostilities during this period,<sup>3</sup> went to Béxar to barter hides and buffalo meat for various articles, avowing their friendship for the Spaniards and promising to keep peace with them. While returning to their homes, they met at a distance of about a league from the presidio two citizens of San Antonio.<sup>4</sup> The Spaniards were seized, bound, and carried away a distance of some seven leagues, where the Indians suspended them by their hands from a tree and danced a "*mitote*" around them. All this was seen by a squad of soldiers sent to their rescue. They could not, however, overtake the Indians, who continued towards their country, still bearing the two captive Spaniards.<sup>5</sup> For a long time their fate was unknown, but, later, an Indian boy, who was presented to Governor Sandobal by the Apaches, told that the captives were made slaves for some time, being employed in dressing skins,

<sup>1</sup>Expediente sobre la campaña, 8.

<sup>2</sup>Urrutia was not without domestic cares, for as he himself put in, "I am a poor man, burdened with years, many children, and family, without having been able to accumulate anything in so many years of service" (*Ibid.*, 18). As has been seen, he was appointed captain of Béxar in 1733, and he held that office until 1740, when his son, Toribio de Urrutia, succeeded him.

<sup>3</sup>Testimony of Mateo Pérez, Infidelidad de Apaches, 9.

<sup>4</sup>These were Juan de Sartuche and Andrés Cadena (Urrutia, *Ibid.*, 6).

<sup>5</sup>*Ibid.*, 6, 14.

and that when upon one occasion they had tried to escape, they were overtaken and killed.<sup>1</sup> This report of the fate of the two Spaniards was afterward corroborated by the confession of some Apaches themselves.<sup>2</sup>

For some two years after this we hear of no outrages in the neighborhood of San Antonio. Indeed, the Apaches even professed friendship and carried on their accustomed barter at the settlement.<sup>3</sup> But on the Rio Grande and in Coahuila, other bands of Apaches were making life a burden to the inhabitants.<sup>4</sup> Seven Apache chiefs had established their *rancherías* on the Rio Grande in order more easily to make war upon the country south, and so frequently was the presidio of Rio Grande assaulted that the citizens became alarmed, just as at San Antonio, and considered the advisability of moving away.<sup>5</sup>

In 1736 San Antonio again felt their heavy hand. On September 20, Fray Francisco de Frías, with an escort of ten soldiers under the command of Bartolomé de Torralba, was returning from San Antonio to Rio Grande, after having brought the supplies for Béxar. At a place called El Atascoso, some fourteen leagues from San Antonio, they were attacked by a number of Apaches, who fought until they saw that they could not secure the horses, and then retired, having wounded, however, Torralba and a friendly Indian. The wounded officer and his soldiers returned to Béxar,

<sup>1</sup>Infidelidad de Apaches, 20.

<sup>2</sup>*Ibid.*, 6.

<sup>3</sup>*Ibid.*, 2.

<sup>4</sup>In a letter of June 6, 1735, written by Don Blas de la Garza Falcón, governor of Coahuila, to the Archbishop of Mexico, an account is given to the effect that the Apaches were frequenting the territory around Saltillo and Monclova. On three different occasions they were in the vicinity of Monclova. The first time they carried away almost all of the horses in the place, those of the Tlascaltecos as well as of the Spaniards. They were pursued for seventy leagues and the stock was recovered, although the thieves escaped punishment by swimming a river (probably the Rio Grande), whose current was too swift for the Spaniards. On the second raid a number (*punta*) of horses were also stolen, the number of Indians being so great that the Spaniards could do nothing more than defend the main herd. These horses were also recovered. On May 3 more than 100 Apaches, divided into four bands, were in the neighborhood of Monclova and attacked different quarters at the same time, succeeding in carrying off fifty horses from Hacienda de San Buenaventura, some from Mission Nadadores, and others belonging to a citizen. Only the last were recovered (Ordenes del Virrey Vizarron, 1738, 1-2).

<sup>5</sup>Infidelidad de Apaches, 2.

fearing lest they should encounter another band of Apaches, and remained there until the wounded man was able to resume the journey.<sup>1</sup> Four days later the new governor of Texas, Don Carlos de Franquís, passed by El Atascoso and saw traces of the recent battle.<sup>2</sup>

After this attack the Apaches gave up all pretense of friendship with the Spaniards and ceased trading at Béxar, continuing their depredations and attacks throughout the rest of the year.<sup>3</sup> It was thought by some that their extreme boldness was due to the fact that many soldiers were deserting from Béxar and that the Indians were aware of the weakness of the garrison.<sup>4</sup>

A short time after the attack on the convoy,<sup>5</sup> the Apaches stole about forty horses from the mission of San Francisco de la Espada.<sup>6</sup> While endeavoring to recover them, the soldiers found one horse which had lagged behind from weariness and which the Indians had abandoned. It was recognized as one that had been bought by Cabellos Colorados from Alférez Juan Galban in exchange for a skin.<sup>7</sup> This indicated that Chief "Red Hair" had been implicated in the raid.

A short time after the theft of the horses from the mission Espada, the Apaches attacked and killed two Indian women of the mission of San Juan Capistrano, and a little later they killed two other Indian women of mission Concepción. At the latter time the Apaches carried away two little Indian boys who were with their mothers. One of the boys afterwards escaped and returned to Béxar, re-entering his mission. A few months later two brothers, Ziprian and Dionisio de Castro, who were cutting grass a league away from the presidio, were killed by Apaches. Their bodies were recovered and taken to Béxar for burial. In the same year three soldiers were hunting in the Galban woods ("*monte q llaman de Galban*"), having obtained permission from the *cabo* of the guard to do so. While in this pursuit they were attacked

<sup>1</sup>Infidelidad de Apaches, 3-4, 7, 9, 12, 14, 16, 18.

<sup>2</sup>*Ibid.*, 18.

<sup>3</sup>*Ibid.*, 3.

<sup>4</sup>Residencia de Sandobal, 95.

<sup>5</sup>One witness says *before* (Infidelidad de Apaches, 15).

<sup>6</sup>Infidelidad de Apaches, 7, 9.

<sup>7</sup>*Ibid.*, 12, 18.

by Apaches, and one of them, Joseph Maldonado, was killed. The other two managed to escape, on account of the density of the woods and the fleetness of their horses, but the stock which they were guarding, consisting of some dozen horses, was left to the Indians. In addition to all of these outrages upon the persons of the citizens, the usual number of horses and cattle were stolen during the two years.<sup>1</sup>

It is not difficult to infer from the account of these depredations and murders that the Apaches were the most prominent feature in the everyday life of the settlers at San Antonio. They had to be guarded against constantly, as is shown by one of the orders issued by the governor.<sup>2</sup> It was to the effect that no citizen of Béxar should discharge firearms unless he should see Indians entering the place, and that a shot was to be the formal signal of an Indian attack. If it was necessary to fire a gun for the purpose of cleaning it, license must first be obtained from the captain of the guard.<sup>3</sup>

In 1737 a most diabolical deed was committed by Apaches. Five Indian women and two Indian boys of mission San Francisco de la Espada went out to gather fruit on the Medina river, about a league from the mission. A band of Apaches attacked them, killing the five women. The two boys were carried away into captivity.<sup>4</sup>

In the month of September, 1737, an attack was made upon the stock of the presidio of Béxar which was pastured on the Rio del Cibolo, about sixteen leagues from San Antonio. The horses had been taken to that place because the Apaches were not known to have ever frequented it. But they found it now, and succeeded in carrying off more than a hundred horses, and wounded Juan Cortinas, the *cabo* of the ten soldiers who were guarding the camp.<sup>5</sup>

<sup>1</sup>*Ibid.*, 7, 9-10, 12, 15, 16-17, 18-19, 20-21.

<sup>2</sup>This was Joseph Antonio Fernández de Jáuregui Urrutia, who was governor and captain-general of Nuevo León and Texas at this time. He seems to have been appointed temporarily after the trouble between François and Sandobal.

<sup>3</sup>Order of Urrutia that no citizen of Béxar should discharge firearms unless he saw Indians entering the place.

<sup>4</sup>Urrutia to the viceroy, May 9, 1738, in Expediente sobre la campaña, 6. It was alleged that three of the women were pregnant, and that the fiends tore out the young to eat them.

<sup>5</sup>*Interrogatorio*, Testimony of Mateo Pérez, in Infidelidad de Apaches, 10. In this place it is said that only fifty-eight horses were stolen.

The raid was at once reported to Béxar, and Urrutia ordered out fifty men to recover the horses.<sup>1</sup> Three days were spent in pursuing the thieves, but they had such a good start and possessed such intimate knowledge of the country that they were not overtaken. In the camp on El Cíbolo the soldiers found an Indian who had been killed by the guard. In his hand he still clutched a knife, which Lieutenant Mateo Pérez identified as one that had been taken from his house some time before, and which had probably been bartered to the Indians when they had come to Béxar to trade.<sup>2</sup>

In consequence of this raid, the guard at El Cíbolo was increased to eighteen men and an officer, who was instructed to be especially vigilant. In spite of their precautions, on December 2, at midnight, the Apaches again assaulted the place. The horses were stampeded, driven toward the north, and secured by the Indians on the run. The soldiers were unable to prevent this because of the intense darkness of the night, and because they feared that the Indians might have another force lying in ambush, as was often the case.<sup>3</sup> This second raid on El Cíbolo was reported at Béxar the next night. Captain Urrutia immediately ordered out a company of forty men to give chase to the thieves, but they could not be overtaken, and more than three hundred horses were lost.<sup>4</sup>

A *junta* (council) was now called (on the 6th), and it was determined to move the horses near the presidio, a guard of twenty men being detailed to protect them. It was seen that El Cíbolo was too far away and too easy of access for the Apaches, while it was thought that if the stock were near the presidio, aid could be given at once in case of an attack.<sup>5</sup>

4. *The Imprisonment of Cabellos Colorados*.—On December 11, 1737, the soldiers, going out at daybreak to count the horses, found an Apache right in their midst. He was seized and taken to the presidio, where he confessed that at a distance of about ten leagues there was a band numbering sixteen Apaches, eight of each sex, who were led by Cabellos Colorados. Their ostensible motive in

<sup>1</sup>Urrutia to the viceroy, May 9, 1738, in Expediente sobre la campaña, 2.

<sup>2</sup>Infidelidad de Apaches, 3, 7, 10, 12-13, 15, 19.

<sup>3</sup>Urrutia to the viceroy, May 9, 1738, in Expediente sobre la campaña, 2-3.

<sup>4</sup>*Ibid.*, 3.

<sup>5</sup>Autos of Don Prudencio de Orobio Bazterra (1737).

visiting the presidio was to be that of securing peace with the Spaniards, but their real purpose was to spy out the location of the horses in order to steal them. Alférez Galbán with a force of twenty-eight men was sent out to seize these Indians, and they were all captured at El Chapintillo, eight leagues away, and taken to the presidio, where they were placed in confinement.<sup>1</sup> A few days after the raid of September, the wife of Cabellos Colorados, accompanied by three other Indian women and one brave, had gone to the presidio to trade buffalo meat for tobacco. They had been kindly treated and given to understand that as long as the Apaches were quiet they would not be molested by the Spaniards. This *capitana* and two of her companions were among those captured with Cabellos Colorados.<sup>2</sup>

A few days after the imprisonment of Cabellos Colorados and his band, the chief asked that one of the captives be sent to inform their tribe of the arrest, so that their kinsmen might return the horses that had been stolen in the last raid, and thus secure the release of the prisoners. To undertake this embassy, choice was made of one of the squaws, who promised to return within twenty days. She did not come back until after forty days, when she reported that she had carried out her mission, and that there were some Indians nearby with sixteen horses to exchange for the prisoners in the presidio. At this time a great number of horses came into the view of the Spaniards some distance away, and Urrutia, ever wary, sent out spies to see what the Indians were about. These spies reported that there were more than a thousand armed Indians in the vicinity, and that the horses were only a ruse to draw out the soldiers so that they might be killed and the prisoners released. The Indians stayed in their camp for five days, but Urrutia, being forewarned, did not go out to meet them, as Almazán had done in 1732.<sup>3</sup> The horses which had been brought

<sup>1</sup>Urrutia to the viceroy, May 9, Expediente sobre la campaña, 4; *Interrogatorio*, Infidelidad de Apaches, 4, 13. The *alférez*, Juan Galbán, was of the opinion that the Indians did not intend to enter the presidio to trade, for they had, he said, three horses and three burros that belonged to citizens of the settlement, and would have been afraid to enter with stolen property (*Ibid.*).

<sup>2</sup>*Interrogatorio*, Infidelidad de Apaches, 4, 10.

<sup>3</sup>Urrutia to the viceroy, May 9, Expediente sobre la campaña, 6-8 (*Ibid.*, 7-8). Urrutia here tells of Almazán's encounter, as has been related on pages 226-227.

by the squaw were recognized as some which belonged to various citizens and soldiers, and which had been stolen in the raids on El Cíbolo. The squaw explained that she had been unable to bring more horses at this time, but said that the *capitán grande* was getting them all together and would send them soon. On the following Sunday, January 28, accompanied by another squaw, she again set out from the presidio, promising to bring back the rest of the horses.<sup>1</sup> On April 4th she returned with a different companion, but brought only buffalo meat for the imprisoned Indians and some skins for Captain Urrutia. In spite of their failure to bring the horses, they were kindly treated and allowed to leave the presidio.<sup>2</sup> Nothing more was heard of the squaw until May 22, when an old Indian and his wife came to the presidio, carrying three small loads of buffalo meat for the prisoners and some skins to trade to the soldiers. They reported that the squaw was very far away, getting together all of the horses of the Spaniards, and that she would come with them in a short time. In order that the Spaniards might understand the delay, he said, he had come to inform them of their good intentions and to assure them that the Apaches were sincere. The old brave and his wife were gently treated, and on the 25th were sent away with presents.

Urrutia considered Cabellos Colorados the cause of many of the outrages which had been visited upon the Spaniards, for he had great reputation and influence among his people. It had been rumored, according to Urrutia, that this chief, before his imprisonment, had entered into an agreement with the *capitán grande* of the Apache tribes to steal all of the horses belonging to the presidios of Béxar, Rio Grande, Coahuila, and Sacramento, after which they would slaughter the inhabitants themselves.<sup>4</sup> In view of the unsavory reputation of Cabellos Colorados and of his captivity at Béxar, Governor Orobio Bazterra, on June 28, held an investigation concerning the part played by Cabellos in the Apache depredations of the past. It was conducted in the usual Spanish way, with the customary *interrogatorio*, or set of questions, to which a number of witnesses gave answer. It is from the evidence given on this

<sup>1</sup>*Interrogatorio*, Autos fijos sobre Cabellos Colorados, 5-6.

<sup>2</sup>*Ibid.*, 6; *Interrogatorio*, Infidelidad de Apaches, 5.

<sup>3</sup>*Ibid.*, 5.

<sup>4</sup>Urrutia to the viceroy, May 9, in Expediente sobre la campaña, 4-5.

occasion that we get a great deal of our information concerning the depredations for the years 1734-1738, as related above. From the investigation, too, the Spaniards were confirmed in their opinion that Cabellos Colorados was a dangerous man,<sup>1</sup> and he was accordingly kept in prison.

On the morning of August 18 the squaw who had first been sent as messenger, and the old brave, accompanied by three other Indians, returned to Béxar. They said that they had come to trade, but did not bring the horses which they had promised because the Texas Indians had attacked their *ranchería*, killed twelve persons, captured five boys, and had stolen not only all of the horses which the Apaches were preparing to return to the Spaniards, but also many belonging to the Apaches themselves.<sup>2</sup>

The old man declared that as soon as he had left the presidio in May he had gone to see the head chief of all the Apaches, and had told him that the Spaniards were their friends. He had now come, he said, to secure the release of Cabellos Colorados and his companions. The governor, however, objected to this procedure, telling him that he wished to test the good will of the Apaches for a while longer. Besides, he said, the captives were living comfortably, did no work, and were given the best of treatment. To this the old Indian had no answer, but he begged that Governor Bazterra should at least give up an old woman who was among the captives, saying that he would give a mule and a horse in exchange for her. The governor replied, good-naturedly, that he would release the old woman if the two one-eyed Indians who had come with the old man would stay in her place. At this all laughed and the two said they were willing to remain. The rest of the embassy wished to go back to their homes, but said that they would return soon to trade with the Spaniards and that all would be good friends. After trading their buffalo skins, buckskin, and salt for various articles, they took their departure.<sup>3</sup>

From December, 1737, until September, 1738, during the imprisonment of Cabellos Colorados and his band, there were no depredations by Apaches at Béxar, which indicated, in the eyes of

<sup>1</sup>This investigation is found in *Infidelidad de Apaches*, 1-22.

<sup>2</sup>*Auto* of Orobio Bazterra, August 18, 1738, in *Infidelidad de Apaches*, 22-23.

<sup>3</sup>*Ibid.*

the Spaniards, that this chief was a prime factor in the war waged by the Apaches.<sup>1</sup> This could not have been entirely true, however, for although Cabellos Colorados was still in captivity, in the beginning of October, 1738, the peaceful attitude of the Apaches, which had endured for nearly a year, came to an end, and San Antonio was again subjected to their ravages. As soon as Governor Bazterra, who was at Adaes, heard of the renewal of hostilities he ordered that Cabellos Colorados and his companions, together with the chief's two-year-old daughter, should be remitted to the City of Mexico.<sup>2</sup> It is not at all improbable that, according to the custom, he was banished to slavery in the West Indies or some other place whence he could never return.

VI. THE CAMPAIGNS OF THE URRUTIAS AND OF RABAGO Y THERAN,  
1739-1748

1. *The Campaign of Joseph de Urrutia*.—One of the purposes of the investigation concerning Cabellos Colorados had been to bring together evidence relating to the bad faith of the Apaches, so that the viceroy might know the condition of affairs at Béxar and provide some means of relief.<sup>3</sup>

A short time before the investigation, Captain Urrutia had taken things into his own hands, and had sent in a petition to the viceroy asking permission to make a campaign against the Apaches upon his own responsibility. Such had been the effect of the repeated raids, he said, that the people of San Antonio lived in a state of constant terror, and some families had already moved away. The inhabitants were afraid to attend to their stock, "and," said Urrutia, "their timidity does not surprise me (although I do not let them know it), for he who is not warned by the ill-fortune of others must be considered rather foolish. And, thus, Most Excellent Sir, those who can enter a presidio at night as far as the center of the plaza and who without being heard can safely remove the horses from the corral in which they are tied to the doors of the houses, are to be feared. As a result, the greater part of the Indians of the new conversions, fleeing from the tyranny of these

<sup>1</sup>*Interrogatorio, Ibid.*, 21-22.

<sup>2</sup>*Auto of Orobio Bazterra, February 16, 1739, Ibid.*, 24.

<sup>3</sup>*Infidelidad de Apaches, 1-21.*

barbarians, have deserted the missions in which they live, together with their wives and children, some retiring towards the coast of the Sea of the South, a distance of more than sixty leagues, and others toward the Big Wood (*Monte Grande*).<sup>1</sup> The presidio of Béxar, he continued, was entirely insufficient to restrain the insolence of the Apaches, and they would never be subdued until one or more vigorous campaigns should be made against them. On account of the lack of forces at San Antonio, Urrutia asked that thirty soldiers be given him from Adaes, fifteen from Bahía, ten from Rio Grande, fifteen from Sacramento, and ten from Monclova, and that the citizens of Coahuila and Nuevo León be encouraged to enlist. In this way, he said, a force of two hundred Spaniards could be raised, which, combined with as many more Indian allies from the Texas, would be sufficient to combat the Apaches. Urrutia here calls attention to his residence of seven years with the Indians of the province of Texas, his knowledge of their languages, and their love for him. He is not overmodest in proclaiming his own merits, and his statements as to the necessary qualifications of a successful governor cause us to suspect that he was "boosting" his own candidacy for that office. One of the conditions demanded by Urrutia was that he should have sole command of the expedition, without the interference of "other chiefs" who might spoil the undertaking. The expenses of the campaign were to be met by the sale of the captives that might be secured, and all of the participants were to have a share in the plunder. Although Urrutia practically asked for a licensed slave trade, he excused it on the ground of securing the conversion of these captives to the Catholic faith and of rescuing them from their barbarous state.<sup>2</sup> The expedition was to be made in April of the following year.<sup>3</sup>

Delay ensued, however, and the proposed campaign was not undertaken until the winter of 1739.<sup>4</sup> Details are lacking, but it is known that many captives were secured. Our only available

<sup>1</sup>Urrutia to the viceroy, May 9, 1738, in Expediente sobre la campaña, 5-6.

<sup>2</sup>*Ibid.*, 9-11.

<sup>3</sup>*Ibid.*, 1.

<sup>4</sup>Testimony of Ignacio Hernández, in Testimony taken in support of the right of Béxar to exercise jurisdiction over San Sava, 8; testimony of Juan Joseph de Santa Cruz, *Ibid.*, 13.

contemporary information is obtained from Fray Santa Ana, who was strongly opposed to the campaign and who probably gives a prejudiced account. The expedition, he said, set out at a very bad season of the year, and much suffering ensued. The soldiers were disorderly, and the campaign as a whole was an abomination. He fervently prayed that no similar one should ever be made, since it was of no value to God or to the king. Indeed, said Father Santa Ana, the leaders of the campaign concealed their desire for slaves and plunder under an ostensible purpose of serving the king, and since the real motive was so low, the results were of course on the same level.<sup>1</sup>

Testimony given in 1756 shows that this campaign was to the San Sabá river, in the same region that Bustillo had reached in 1732.<sup>2</sup>

2. *The Campaign from Coahuila and that of Toribio de Urrutia, 1743-1745.*—Joseph de Urrutia apparently died not long after making his campaign, and in the same year, 1740, his son, Toribio de Urrutia, succeeded him as captain at Béxar. The Apaches continued to make much trouble,<sup>3</sup> and in the latter part of 1742 the new captain asked permission to make a series of campaigns against them. His communications were submitted to Don Juan Antonio de Bustillo y Zevallos, former governor of Texas, and to Don Gabriel Costales, who had been captain at Bahía, both of whom opposed his plan. Urrutia, however, nothing daunted, repeated his request a few months later, stressing the need for the subjection of the Apaches, and adding as a further reason the possibility of securing information concerning the rich minerals with which the Apache

<sup>1</sup>Santa Ana to the guardian, February 20, 1740, in *Memorias de Nueva España*, XXVIII, f. 206.

<sup>2</sup>Testimony taken in support of the right of Béxar to exercise jurisdiction over San Sava, 8, 13. Ignacio Hernández declared that he was with Urrutia, and that as they passed along the San Sabá, the old camping places of Bustillo were pointed out (*Ibid.*, 8).

<sup>3</sup>In spite of the repeated hostilities of the Apaches, San Antonio was gradually assuming the proportions of a town. In 1742 plans were made for the erection of *casas de justicia*. A bid of \$270.00 for stone alone was accepted. There was at least one regular contractor in the place, and he had his hands full, building residences for settlers. The *cabildo* was composed of laboring men, but they were progressive and foresaw the necessity of providing for the expansion of San Antonio. The government was in debt, not an uncommon condition for modern municipalities (*Libro de Cavildo*, 1-10, *passim*).

country was supposed to abound. This last petition was referred in June to Don Justo Boneo, who had just been appointed governor of Texas.<sup>1</sup>

The attention of the government, however, seems to have been directed for a time to a campaign against the Apaches conducted from Coahuila. According to Kerlérec, governor of Louisiana, in a summary of Apache relations written in 1753, a campaign was made in 1743 which was very disastrous to the Spaniards. They had a force of two hundred men, and were commanded by the governor of Coahuila, who fell into an ambush, was dangerously wounded, and lost more than half of his men and almost all of his horses and equipment. After this, says Kerlérec, the Spaniards were content to remain on the defensive.<sup>2</sup>

This was not true for any great length of time, however, for in 1745, in spite of much opposition from the missionaries (which will be discussed later on) and after tedious delays, Urrutia finally made a campaign in April, 1745. With a force of about fifty Spaniards, the usual number of Indian allies, we may infer,<sup>3</sup> and accompanied by Fray Santa Ana, president of the San Antonio missions, Captain Urrutia went northward from San Antonio, crossing the Colorado river about seventy leagues away. Ten leagues north of this river they found a *ranchería* of Apaches, "commonly called Ypandes" (Lipans), whose tents were scattered over a wide area. Many of the Indians were away at the time, and it was a comparatively easy matter to secure a number of captives, both from the Ypandes and the Natagés, which, perhaps, fulfilled the purpose of the campaign. Indeed, there is reason to suspect that this was little more than a slave-hunting expedition.<sup>4</sup>

This campaign, like those of Bustillo and Joseph de Urrutia,

<sup>1</sup>Auditor's *parecer*, June 27, 1743, in Carpeta de Correspondencia, 58-59; auditor's *parecer*, July 16, 1743, *Ibid.*, 69-70.

<sup>2</sup>Governor Kerlérec, "Projet de Paix et d'Alliance avec les Cannecis et les avantages qui en peuvent résulter, envoyé par Kerlérec, gouverneur de la province de la Louisianne en 1753," in *Journal de la Société des Américanistes de Paris*, III, No. 1, p. 74.

<sup>3</sup>Santa Ana to the guardian (Terreros), February 2, 1746, in Súplica del Padre Presidente, 4.

<sup>4</sup>Santa Ana to the viceroy, May 16, 1745, in Entrada de los Apaches, 5-7, 9; Arrievita, *Crónica*, 346-347.

was later said to have been made to the San Sabá river,<sup>1</sup> but from the contemporary documents there is no guide as to the exact location.

3. *Retaliation by the Apaches.*—Immediately after this campaign the Apaches showed their resentment by committing repeated depredations against the Spaniards. According to the missionaries, for almost a year previous to the campaign the Apaches had been comparatively quiet, many had asked for missions, and had given their children to the priests for baptism. But when they saw, as they said, that the Spaniards did not wish to be friends, they sent messengers (four squaws) to notify them that the peace was declared off.<sup>2</sup> Within a space of three weeks nine persons were killed and robbed, and all the settlement molested except mission Concepción, which was under the charge of Father Santa Ana, who had shown much benevolence toward the Apaches.<sup>3</sup> On June 30, 1745, San Antonio was given another fright by the attack made upon it by about three hundred and fifty Indians, including women and children, of the Ypandes and Natagés tribes. They planned to burn the presidio, and made the attack during the night when all the occupants of the presidio were asleep. Part of the Indians stayed in ambush just without the settlement, and the others gathered before the presidio. By good luck they were discovered by a boy, who gave the alarm, thus rousing some citizens, who held the savages back for a time. But, dividing into two bands, they attacked the presidio by another street, and would doubtless have overpowered the soldiers, had not help arrived at an opportune time from mission Valero. One hundred mission Indians came to the rescue and so stoutly did they attack the invaders that they were soon put to flight. The soldiers and Indians now gave chase, but did not proceed further than a place called Buenavista, whence they were ordered back. For some unknown reason the Apaches were not organized with their usual efficiency, for under ordinary circumstances they would have succeeded in their attack.<sup>4</sup> Among

<sup>1</sup>Testimony of Antonio Cadena, Testimony taken in support of the right of Béxar to exercise jurisdiction over San Sava, 9.

<sup>2</sup>Santa Ana to the viceroy, 1750, *Memorias de Nueva España*, XXVIII, f. 137.

<sup>3</sup>Santa Ana to the guardian, February 2, 1746, in *Súplica del Padre Presidente*, 3-4.

<sup>4</sup>Arrievita, *Crónica Seráfica y Apostólica*, 347-348.

the Indians who had set out from the mission was an Apache captive, who at once joined his people. The Ypande chief, whose daughter was being held as a hostage by Father Santa Ana, inquired anxiously concerning the captives, and was told that they were being treated most kindly, and that the Spaniards wished to be the friends of the Apaches. Upon hearing this, the chief repented of his hostility, and ordered his followers to give up the attack. The chief of the Natagés opposed this plan with much vehemence, but he was finally persuaded to retire. For two months after this raid, the Apaches did not trouble the settlement, and at the end of this time a squaw, bearing a cross, accompanied by a boy, was sent to San Antonio with presents for Captain Urrutia, whom she assured that the Apaches wished to keep the peace.<sup>1</sup>

4. *Troubles on the Rio Grande Border.*—Although this promise to remain at peace was kept for a time, it affected only a small number of the Apaches, while along the Rio Grande depredations were multiplied to such an extent that San Antonio feared an attack from that quarter, powder being begged from Espíritu Santo in March, 1746, in anticipation of such an occurrence.<sup>2</sup> At the same time a campaign was being planned by the captains of Rio Grande and Sacramento presidios to punish the Tobosos and the "Apaches Jumanes," who had been very annoying.

The Apaches along the Rio Grande to the north of Chihuahua were also very troublesome at this time, and the need of retaining the presidios in their vicinity and of establishing others there may have a bearing upon the slowness of the government in founding presidios among the Apaches north of San Antonio, a project which was being agitated by the priests there.<sup>3</sup>

5. *The Campaign of Rábago y Therán, 1748.*—Sometime in 1748, the date is not clear, the governor of Coahuila, Don Pedro de Rábago y Therán, announced to the *cabildo* of San Antonio that on August 16 he intended to set out from Monclova to make war upon the Indians ravaging the frontier, and asked for volunteers from San Antonio.<sup>4</sup> There are some indications that this plan

<sup>1</sup>Santa Ana to the guardian, February 2, 1746, *Súplica del Padre Presidente*, 2.

<sup>2</sup>Loan of powder, March 11, 1746.

<sup>3</sup>*Autos fechos en virtud*, 1-2.

<sup>4</sup>Theran to the *cabildo*, August, 1748.

of Rábago's was opposed by Captain Urrutia, the reason probably being that it would interfere with his own arrangements,<sup>1</sup> which now looked toward peace. Nevertheless, Rábago carried out his plan, going by way of San Antonio, where he was joined by more than ten citizens well acquainted with the Apache country and by twenty soldiers of the presidio, including Lieutenant Galbán.<sup>2</sup> Rábago set out from San Antonio directly to the San Sabá river region, but the Indians, learning of his approach, fled, and as a result only a few captives were taken. The campaign was consequently judged a failure, which was charged to the large number in Rábago's party.<sup>3</sup>

6. *Attacks on the San Xavier Mission.*—In 1746 the San Xavier mission was begun on the present San Gabriel river, near Rockdale,<sup>4</sup> and the Apaches soon began to visit their depredations upon the new settlement. In 1748 they attacked it four times, the fiercest assault being made on May 2, when sixty Apaches appeared at the mission. Although more than two hundred persons were in the place at the time, the terror inspired by the assailants more than offset the superiority in numbers. The houses were left to the ravages of the Indians, while the soldiers confined their efforts to guarding the stock. The Apaches succeeded in securing only a few horses, and when they saw that their attempt was being frustrated they withdrew. In their retreat they met some of the mission Indians returning from a buffalo hunt, and in the encounter which followed two of the latter were killed, their bodies being flayed, in accordance with the usual custom of the Apaches. This attack terrorized the neophytes of San Xavier, and more forces

<sup>1</sup>From a document of 1746 (*Satisfaccion a las objeciones hechas*, 10) it is seen that about this time Urrutia was opposing a campaign proposed by the governor of Coahuila, but it is not certain that the reference is to Rábago's campaign of 1748.

<sup>2</sup>Testimony of Ignacio de Zepeda, Testimony taken in support of the right of Béxar to exercise jurisdiction over San Sava, 9; Testimony of Don Bernardo de Miranda, *Ibid.*, 17-18.

<sup>3</sup>Various witnesses, in *Ibid.*, 3, 5, 9, 10, 14, 15, 17-18. A few years later, when the question arose as to whether or not San Sabá was within the jurisdiction of Texas, Coahuila, or New Mexico, testimony was given to show that in 1748 no other road from Monclova to San Sabá was known than that by way of San Antonio, and that Rábago's campaign was the only event that would give Coahuila any claim to the San Saba region (*Ibid.*, *passim*).

<sup>4</sup>Bolton, M.S.

were called for to keep them from deserting the mission. The Apaches had to be guarded against night and day.<sup>1</sup> In all of the attacks made, seven men had been killed, three being soldiers, and four Indians.<sup>2</sup>

#### VII. MISSIONARY PROJECTS AND THE PEACE OF 1749

1. *The Proposals of Fray Santa Ana and Fray Guadalupe, 1743.*—These Apache raids, which had continued so long, now became less frequent, due apparently to increased pressure from the Comanches, and to the peace efforts of the missionaries. In order to make these things clear, it will be best to go back and follow the thread of missionary activities since 1723 looking to the establishment of missions for the Apaches.

So far as the available records show, only three definite proposals for missionary work among this tribe had been made in Texas previous to 1743. As has been seen, Father González, in 1723 and 1724, had labored for their conversion; Father Hidalgo, in 1725, had asked for permission to go to their land and work among them, and in 1733 Father Vergara had urged the establishment of Apache missions. Now, on March 3, 1743, Fray Benito Fernández de Santa Ana wrote a communication to the viceroy suggesting that active steps be taken for the conversion and reduction of the Apaches by missions in their own land. He believed that circumstances were especially favorable for such an undertaking, not the least important factor being the existing relations between the Apaches and the Comanches. He told of a battle between these tribes, when a band of Comanches, descending from their country, had fallen in with a superior Apache force. In spite of the disparity in numbers, not a Comanche fled, although they knew that death awaited them. Finally, all but one had been killed and the Apaches were about to dispatch him, when, as Fray Santa Ana says, "on this occasion, their fears overcame their ferocity and desire to eat human flesh," for, recognizing the bravery of the Comanches and the danger to be incurred from them, they decided to send the sole survivor as a warning to his people, trusting that when the Comanches learned of the fate of their friends they would take care

<sup>1</sup>Memorial del Padre Presidente, 1-5.

<sup>2</sup>Copia de Carta del P. Fr. Mariano, 2.

to avoid further conflicts. The Apaches had good reason to fear these foes, said Santa Ana, for the Pelones, a subdivision of the Apaches living near the Caudachos [Red] River had been forced by the Comanches to give up their lands. On account of this fear, Santa Ana believed, the Apaches would now consider entering missions, and he thought the advantage would not be on the side of the Indians alone, for such a powerful nation as the Comanches should be guarded against by the Spaniards as well, while if the Apaches were reduced they would constitute a bulwark against the advancing scourge.<sup>1</sup>

Two days later Fray Santa Ana wrote another letter to the viceroy, again setting forth the many advantages which, in his opinion, would result from the reduction of the Apaches. In the first place, he said, their conquest would prove comparatively easy, for they were far less numerous than was commonly supposed, the three tribes of Apaches, Ypandes, and Pelones not exceeding thirteen hundred warriors. As evidence of the weakness of the Apaches, he said that in no campaign which had been made against them had the Spaniards employed more than two hundred men, yet the Indians had always been defeated.<sup>2</sup> If the Spaniards should not obtain the alliance of the Apaches, Santa Ana continued, the French would very soon occupy the territory along the Caudachos [Red] River, thus cutting off further Spanish advance toward the north. Already, said the priest, it was rumored that New France and Carolina were in communication with New Mexico and Quivira. This he did not believe, but he did believe it was true of Louisiana, whose expansion was greatly to be feared. By making friends of the Apaches and placing a presidio in their midst to restrain and protect them, New Spain, he thought, would be assured from the aggressions of other nations, and the provinces would be freed from the ravages of the Apaches themselves. Besides, there would be opened up to the Spaniards a country rich in gold, silver, iron and other valuable minerals.<sup>3</sup> In conclusion, he protested against the campaign which was being planned by Captain Toribio de Urrutia (see *ante*, p. 251). Campaigns, said Santa Ana, only

<sup>1</sup>Santa Ana to the viceroy, March 3, 1743, Carpeta de Correspondencia, 37-40.

<sup>2</sup>Santa Ana to the viceroy, March 5, 1743. *Ibid.*, 61-62.

<sup>3</sup>*Ibid.*, 63-67.

make the Indians worse, as had been proved time and again. For once, he suggests, kind measures should be tried, if only for an experiment; instead of distributing the captives they should be held as hostages as a means of making peace, and should be returned to the Apaches when they asked to be friends. In this way the Indians would be convinced of the sincerity of the Spaniards and their conversion would inevitably follow.<sup>1</sup> Santa Ana's fear of French aggression was well grounded,<sup>2</sup> but this could hardly be said of his sanguine view of prospects for the submission of the Apaches.

Father Santa Ana's letters were carried to Mexico by Fray Joseph de Guadalupe, missionary in mission San Francisco de la Espada, who upon his arrival in the City of Mexico addressed to the viceroy on his own part a communication of similar nature. Fray Guadalupe set forth particularly the advantages to result from the establishment of a garrison or presidio among the Apaches, dividing the benefits into two classes, spiritual and temporal. First, he said, a presidio among the Apaches, by aiding to resist their hostilities and keeping them from San Antonio, would be very advantageous to the missions already established, for on account of their fear of the Apaches the mission Indians could with difficulty be restrained from deserting. Second, the new conversions would increase, because the gentiles would not be afraid to enter the missions, as was now the case. Third, the conversion and reduction of the Apaches themselves would be facilitated, because since the presidio would be merely defensive and not offensive the Spaniards could gain the confidence of the Indians, and cultivate the friendship of the *capitán grande*, thus converting his followers. Fourth, the Apaches converted, the way would be open to convert other tribes that lived in the north to whom passage was now shut off.

These spiritual arguments, Fray Guadalupe thought, should be sufficient to move the mind of the viceroy, but, in addition, he presented some temporal advantages. First, the presidio would entail no additional expense to the crown, for some useless garrison could be utilized. Second, with the added protection, the

<sup>1</sup>*Ibid.*, 67-68.

<sup>2</sup>Kerlérec, *op. cit.*, *passim*.

town of San Antonio would expand very rapidly and the whole country would develop. Third, the way would be open to work the rich minerals which (according to general opinion) abounded in the hill country of the Apaches; and, finally, the entire Spanish dominion would be extended toward the north. In consequence of all these reasons, he prayed for the establishment of the presidio in the land of the Apaches.<sup>1</sup>

To Fray Guadalupe's representation the viceroy replied that such arguments were all very well in theory, but that in reality there were no useless presidios which could be moved to the Apache country.<sup>2</sup> Santa Ana's letters were also considered, together with Toribio de Urrutia's third petition for a campaign, which had been made at this time, as has been seen, and, in view of the conflicting opinions that were presented by Urrutia and the missionaries, it was decided to submit the whole matter to the judgment of Don Manuel de Sandobal, former governor of Texas.<sup>3</sup>

2. *Requests for Missions by the Apaches.*—The protests of the missionaries against a campaign, as has been seen, were unavailing. Father Santa Ana seems to have made the best of the situation, however, even accompanying Urrutia on the expedition of 1745. Among the captives taken on this campaign was the seven-year-old daughter of the Ypande chief, and through her the priest tried to influence the chief himself to enter a mission. In a communication which he made to the viceroy in 1745 looking to the conversion of the Apaches, Fray Santa Ana again said that they were not nearly so formidable as was generally believed. The Ypandes, he averred, had only one hundred and sixty-six warriors, and the Natagés one hundred. By placing presidios on the San Sabá, Pedernales, Salado, and Colorado rivers all could be reduced without bloodshed, and even the Comanches would be converted.<sup>4</sup> Besides, the Apaches themselves, he said, were anxious to enter upon mission life, for in October, 1745, a mission had been requested for the third time by the chief of the Ypandes, who asked either

<sup>1</sup>Guadalupe to the viceroy, *ca.* June 21, 1743, *Carpeta de Correspondencia*, 48-54.

<sup>2</sup>Auditor's *parecer*, June 27, 1743, *Ibid.*, 58-59.

<sup>3</sup>Auditor's *parecer*, July 16, 1743, *Ibid.*, 69-71.

<sup>4</sup>Santa Ana to the viceroy, May 16, 1745, *Entrada de los Apaches*, 7-9, 1-4.

for a presidio and mission or for a mission without a presidio.<sup>1</sup>

As if to bear out the missionary's statement, about January 26, 1746, the wife of an Apache chief, with two boys, went to see Fray Santa Ana, bearing a request for missions. Three days later an Indian girl of Ranchería Grande who had been captured by the Apaches, was sent to San Antonio to report that the Ypandes wanted a presidio and a mission, although the Natagés were opposed to it. Two chiefs, she said, were *en route* to San Antonio to make a permanent peace.<sup>2</sup>

Thus we see that throughout many years the missionaries had not lost sight of the Apaches, and had several times planned to reduce them to mission life. When the new establishments for the San Xavier river were being discussed, in the years 1745-7, a patent argument in their favor was that they would serve to restrain the Apaches, who lived near by. The San Xavier was the gateway to the "*Lomería de los Apaches*," and they must either be converted, it was said, or retire from their old haunts. Moreover, as has been pointed out, the Comanches were again actively pressing upon the Apaches, and it was even said that the missionaries were holding back their reports of the Apaches' request for missions until it could be learned more definitely whether they were really in earnest or merely wished to regain their captive kinsmen by this old ruse.<sup>3</sup>

3. *The Sword and the Olive Branch*.—By the latter part of 1748 circumstances became unusually favorable for carrying out the mission policy which was so near to Father Santa Ana's heart. The essential factors were the harmony between the priests and Captain Urrutia, who now began to work to the same end, and the Comanche attacks upon the Apaches. It had long been noted, Santa Ana tells us, that the bloodier and more severe a campaign against the Apaches might be, the more vindictively did they retaliate. This fact being recognized, it was ordered that in all succeeding campaigns no Indian should be killed save in self-

<sup>1</sup>Santa Ana to the guardian, February 2, 1746, *Súplica del Padre Presidente*, 1-6; *Visita de las misiones*, 14; *Entrada de los Apaches*, 2.

<sup>2</sup>*Súplica del Padre Presidente*, 3-6.

<sup>3</sup>*Satisfacción á las objeciones hechas*, 13.

defense and that all captives taken should be treated most humanely.<sup>1</sup>

With the idea of punishing the Apaches for their attacks of 1748, and also, perhaps, as Father Santa Ana suggests, to show the Indians that the Spaniards wished to be friends, on February 2, 1749, Captain Urrutia with some two hundred men, most of them being Indian allies, set out toward the Apache country. He soon came upon a small *ranchería*, which offered very little resistance, and three old women and five children were captured. When Urrutia returned to San Antonio he learned that during his absence the Apaches had attacked Mission Concepción, stealing a large number of cattle. He at once determined to pursue the Indians,<sup>2</sup> and in March set out again with about three hundred men. They had gone no farther than the Guadalupe river, however, a distance of some twenty leagues, when they encountered a *ranchería* of Apaches who were encamped there hunting buffalo. Fortunately, most of the Indians (who were more than four hundred in number) were away on the chase, leaving the camp with only thirty men, ninety women, and forty-seven children. These were captured<sup>3</sup> and carried to San Antonio, where the men were imprisoned, and the women and children given into the safe keeping of the citizens and the missionaries, orders being given to treat them with the greatest kindness, but not to let them escape.<sup>4</sup>

4. *The Hatchet Buried—Likewise a Horse.*—Captain Urrutia and Fray Santa Ana now determined to do their best to establish a permanent and lasting peace with the Apache nation. In consequence, two women and a brave were chosen to act as messengers to their people and to tell their chiefs that if they would live thereafter in peace and friendship with the Spaniards, not only would the latter release the prisoners who had been captured on the Guadalupe, but also those who had been taken in previous campaigns. The plan was received joyously by the captives, as can well be believed, and about the middle of April the three messen-

<sup>1</sup>Santa Ana to the viceroy, February 20, 1750, *Memorias de Nueva España*, XXVIII, f. 138.

<sup>2</sup>Arriecivita, *Crónica Seráfica y Apostólica*, 351.

<sup>3</sup>Arriecivita says that only forty-six captives were taken, together with more than one hundred horses (*Ibid.*, 352).

<sup>4</sup>The details of this expedition as given above are from Cabello, *In-forme*, 35.

gers, having been rigged out as usual, were dispatched. They promised to return in three moons, declaring that they would without doubt be accompanied by all of their people.

At the beginning of August the three Indians returned; accompanied by a brave of much distinction. They reported that there were now encamped on the Guadalupe four chiefs, two of the Lipan and two of the Apache nation, with one hundred followers of each tribe, who came with the intention of effecting a peace and securing their captive kinsmen. They would wait on the Guadalupe, they said, until the Spaniards should appoint a day for them to enter the settlement. Captain Urrutia received them with all consideration, gave them presents, and told them to return to the Guadalupe and tell their chiefs to come whenever they pleased, but to use smoke as a signal before starting so that they could be properly received.

The emissaries left on the 8th, and on the night of the 15th columns of smoke were sent up, in accordance with the agreement. In the meantime a large building had been constructed on the plaza, in which to receive the Indians, and on the morning of the 16th Captain Urrutia, with all his troops, the missionaries, and citizens of San Antonio, went out to meet the visitors, whom they encountered at a distance of two leagues. Here mutual expressions of joy were made, the chiefs embracing the captain and the priests with great affection. After these ceremonies were over, the whole company returned to the reception hall, where a great feast of beef, corn, squashes, and fruit had been prepared. The chiefs were not lodged with the "common herd," but were entertained in the presidio and missions, in keeping with their superior rank. On the next day mass, attended by all the Indians and the whole settlement, was said in the parochial church, after which the formal discussion of peace was begun. On the 18th, says Cabello, the prisoners were released,<sup>1</sup> and the 19th was given over to the ratification of the peace.

This was a great day for San Antonio. After thirty years of depredations, the harassed settlement was about to secure, as was thought, a lasting peace. Early in the morning the plaza began to

<sup>1</sup>Apparently only the prisoners who had been recently captured were given up, for it was not until some months later that the citizens were compelled to give up their servants (*Memorias de Nueva España*, XXVIII, f. 140).

fill with an eager throng. On one side were drawn up the soldiers, the priests and the citizens, while on the other were the chiefs and their followers, who had been joined by the released captives. First, a great hole was dug in the center of the plaza, and in this were placed a live horse, a hatchet, a lance, and six arrows, all instruments of war. Then Captain Urrutia and the four chiefs, joining hands, danced three times around the hole, the Indians afterwards doing the same with the priests and the citizens. When this ceremony was concluded, all retired to their respective places. Then, upon a given signal, all rushed to the hole and rapidly buried the live horse, together with the weapons, thus signifying the end of war. This over, the Indians gave great whoops, and the Spaniards cried three times, "*Viva el Rey*" ("Long live the king")! Before departing the Indians promised to visit the presidio often, and were assured that they would always be welcomed. In return, they agreed to treat all Spaniards as brothers wherever they might meet. On August 20, amid manifestations of the sincerest friendship, they took their leave. Few cities of the world have ever witnessed such a scene as was thus enacted on the plaza of old San Antonio.<sup>1</sup> Indeed, it seems probable that this instance of the burial of a live horse as a part of the hatchet ceremony is unique.

The consummation of this treaty meant a great deal to the citizens of San Antonio. The Indians were undoubtedly sincere in their desire for peace this time (the Comanches furnished motive enough), and there seems to have been confidence on both sides. Most rejoiced of all were the missionaries, who saw in this love feast the happy culmination of their labors to effect the peace of the land, and a definite step toward the conversion of the Apaches.

In spite of the apparent nearness of this much desired end, however, there was yet to be a long period of waiting before the actual founding of the missions. Yet the progress now made was never entirely lost, and henceforth it became more a question of disagreement among the Spaniards themselves as to the establishment of missions than of the unwillingness of the Apaches; for the latter, pressed by their inveterate foes, were now willing to be converted, since it meant protection by Spanish arms.

<sup>1</sup>My authority for this event is Cabello, *Informe*, 36-38. I find nothing of it in other documents of the period, nor does Arrievita mention it.

## VIII. THE APACHES AS KNOWN IN TEXAS, 1725-1750

It will be interesting, by way of conclusion, to note once more the general knowledge of the Apaches possessed by the Spaniards of Texas, as evidenced by the contemporary documents between 1725 and 1750. During this period much additional specific information was acquired concerning a people that had hitherto been but indefinitely known.

1. *Two Meanings of the Term "Apache."*—The term "Apache" had now come to have two significations, general and specific. The comprehensive name was still "Apache," and in this sense it often meant to the Spaniards little more than a confederation or a geographical group. As the royal auditor said, in a communication written in 1750, "the truth is that not only these [tribes near San Antonio] are called heathen Apaches, but also all the tribes in the immense unknown spaces to the north of our governments of Sinaloa, Nueva Viscaya, Coahuila, and Texas, the entire frontier of said Apaches extending for five hundred and ninety-five or six hundred and eighty leagues, without including in this the government of New Mexico, which is on all four sides a frontier of the Apache tribe, by whom this government is surrounded and walled in."<sup>1</sup> To illustrate this usage again, an Indian who was captured at San Antonio, when questioned as to the number of Apache tribes, declared that, "calling them by their special names, there were thirty-seven tribes with the name Apache in the vicinity of the road to New Mexico."<sup>2</sup> Thus the designation "Apache," in its general sense, was regarded as very comprehensive, just as formerly had been the case, and the expression "las naciones Apaches," with this broad meaning, occurs very frequently in the documents throughout the period.

On the other hand, "Apache" is now used to designate also a particular tribe of Indians with whom the Texas Spaniards had especially to do. Out of the general term "Apache" which was formerly not differentiated, several distinct tribes have now emerged. We hear of the Pelones, the Ypandes (Ipandes, Ipandis, Ypandis), and the Apaches, or in the language of the Indians them-

<sup>1</sup>Memorias de Nueva España, XXVIII, f. 147.

<sup>2</sup>Pacificacion de Apaches, 37.

seives, "*Negain, Azain, and Duttain.*"<sup>1</sup> These tribes are now considered by the Spaniards of Texas to be the three main divisions of the Apaches with whom they came in contact.

It is probable that the authorities in Mexico usually employed "Apache" in the broad sense, but the people at San Antonio understood and used its restricted meaning also. Many seeming discrepancies in the sources, then, may, perhaps, be explained by considering in what sense the designation, "Apache," was intended by the writer.

2. *Location and Range.*—Throughout the period from 1725 to 1749, the Apaches who troubled Texas still lived in the same general northwestward direction from San Antonio as formerly, ranging in summer to the plains of the middle Brazos and Colorado and withdrawing northwestward in the fall. Bustillo, in December, 1732, found them in the same general region where Flores had encountered them in September, 1723. All of the embassies from the Apaches to San Antonio during the period came from the north, and all the messengers sent to them went north.

Yet there was a gradual migration of the Apaches southward in the face of the Comanche pressure, and just at the end of the period this movement was very much accelerated. Bustillo's fight with them, as we have seen, took place about seventy leagues north of San Antonio, near the San Sabá river, while Flores had gone one hundred and thirty leagues before encountering Apaches. Of course, these may have been distinct *rancherías*, but it is certain that the Apaches had come further south. Another indication that such was the case is Bustillo's statement that he had to make a great detour in order not to be seen by the Indians immediately after leaving the presidio, for the Apaches, he said, were always near San Antonio either in large or small bands.<sup>2</sup>

By 1730, it is clear, the eastern Apaches did not customarily range southeast of San Antonio. When Father Sevillano in that year argued that a mission on the Medina river, thirty leagues below San Antonio, would be in danger from the Apaches, the other missionaries maintained that he was wrong, as these Indians

<sup>1</sup>Santa Ana to the viceroy, March 5, 1743, Carpeta de Correspondencia, 61-62.

<sup>2</sup>Pacificacion de Apaches, 33.

did not infest even the Guadalupe country, but were to the north.<sup>1</sup> Soon after this, however, the upper Nacogdoches road was abandoned, and that by Bahía used, for fear of the Apaches.

By 1749 the Ypandes, who had now become differentiated, had descended considerably nearer to San Antonio. The range of hills twenty leagues northwest from San Antonio was now the southeastern limit of their territory, and from their shelter they ravaged the settlements near by.<sup>2</sup> In 1750, according to Cabello's "Informe," there was a still further southward migration of the Apaches, who were again being closely pressed by the Comanches. In May of that year, says Cabello, the Lipanes and Apaches moved to the Medina river, eight leagues southwest of San Antonio, where they hoped to be secure from their foes.<sup>3</sup>

The period from 1725 to 1750, therefore, was one of gradual shifting to the south. As the Comanches continued to press hard upon the Apaches, the latter gave way before them, remaining in their new location until renewed pressure was exerted by their enemy. The key to Apache migration and policy during this period, and especially of the latter part, may be found primarily in the hostility of the Comanches.

3. *The Different Tribes or Bands of Apaches Known in Texas.*—As has been stated, several distinct bands have now emerged from the general term "Apaches," the Ypandes, Apaches or Natagés, and Jumanes being the main divisions. Other tribal names now appearing in the documents are the Yxandi (Ysandi), Chenti, Melenudos, Mescaleros, Salineros, and Pelones.<sup>4</sup>

4. *The Natagés or Apaches.*—The Natagés seem to have been the tribe to which the Spaniards of Texas applied the term "Apache" in the restrictive sense. In lists which deal with the

<sup>1</sup>Carpeta de Correspondencia, 106; B. MS. Notes, Miscel., 1730-1733, 3. From the Rio Grande country and the region of the Pecos, however, the western Apaches extended their activities into Coahuila and Nuevo León, penetrating as far south as Saltillo and Parras. In 1735 seven Apache chiefs were established with their camps on the Rio Grande, not far from Presidio del Norte (Ordenes del Virrey Vizarron, 2). By 1743, it was said, the Apaches troubled Coahuila and Nueva Viscaya from Durango to New Mexico (Carpeta de Correspondencia, 61).

<sup>2</sup>Memorias de Nueva España, XXVIII, ff. 101-102.

<sup>3</sup>Cabello, Informe, 38-39.

<sup>4</sup>Autos fijos para averiguar, 45; Pacificacion de Apaches, 39-40; Memorial del Govor. Bustillo, 4.

three main divisions of the Apaches I have frequently found "Apaches, Ypandes, and Jumanes"; "Natagés, Ypandes, and Jumanes"; "Apaches, Pelones, and Jumanes"; and "Natagés, Pelones, and Jumanes." The Pelones and Ypandes, it will be seen, were often treated as identical. Knowing this, if these lists are examined, it will be seen that in none of them is there a conflict of the terms "Natagés" and "Apaches," but, on the contrary, that they are used interchangeably. Again, it was said that the "Ypandes . . . almost always live united with the Apaches."<sup>1</sup> This statement, as will be seen, was true of the Natagés, or, in other words, it seems that the terms are again used interchangeably.

When Toribio de Urrutia made his campaign of April, 1745, the Natagés were met northwest of the Colorado river, a few leagues from the Ypandes. They were now probably engaged in the spring buffalo hunt. Concerning them, Father Santa Ana, who was with Urrutia, says: "The Natagés Indians, reputed among the Indians of the north as true Apaches, lived on this occasion not far from and to the west of the Ypandes. They are fewer in number, but prouder and more overbearing than the rest, and their chief man was captain of the Ypandes. . . . The body of these Natagés comprises in itself the Mescaleros and Salineros Indians, or better, shall I say that they are one and the same Indians with different names which the Spaniards have given them in the various localities [*terrenos*] in which they have seen them. Their own country [that is, of the Natagés] is on the said Rio Salado [Pecos], where they enter into the jurisdiction of Conchos. The Ypandes, as they are intimate friends and relatives, also go in as far as the Rio Salado in the months of June and July, and then in the autumn all go down together to the San Sabá, Xianas [Chanas, Llano], Almagre [Honey Creek<sup>2</sup>], and Pedernales rivers, from which they pass to the Colorado along that region where the road to Los Adays crosses, since this country is the home of the buffalo with which they sustain themselves."<sup>3</sup> The Natagés, Santa Ana also said, troubled the Rio Grande country as far west as El Paso, although they numbered less than one hundred warriors.<sup>4</sup> This number is

<sup>1</sup>Santa Ana to the viceroy, March 5, 1743, Carpeta de Correspondencia, 62.

<sup>2</sup>Identified by Dr. Bolton.

<sup>3</sup>Santa Ana to the viceroy, May 16, 1745, Entrada de los Apaches, 6-7.

<sup>4</sup>*Ibid.*, 4.

probably an underestimate, as in another place Santa Ana says that the Apaches [Natagés] and Ypandes have five hundred warriors combined.<sup>1</sup>

5. *The Ypandes (Lipan) or Pelones.*—The branch of the Apaches nearest to San Antonio and ultimately of the most importance in Apache relations were the Lipans or Ypandes.<sup>2</sup> As has been seen, the Ypandes were closely allied with the Natagés, their chief in 1745 being from the latter tribe. Concerning them Santa Ana, who is our best informant upon Indian affairs during this period, says in 1743: "The Ypandes, who are the nearest to this presidio [Béxar] almost always live united with the Apaches [Natagés]. They have a great number of horses, but their desire for more is never satiated, on account of which and in order to steal other things they trouble all of the road to New Mexico and that which leads to Los Texas [Nacogdoches], not failing to take the lives of all they can, whether neighboring Indians or Spaniards."<sup>3</sup>

The Ypandes were said to be identical with the Pelones, being referred to as "*Ypandes alias Pelones.*"<sup>4</sup> The Pelones, it was said, were the least daring of the Apaches, and were the first whom

<sup>1</sup>Carpeta de Correspondencia, 62.

<sup>2</sup>Bandelier, referring to an incident of 1745, quotes from Arricivita (*Crónica*, 349), "Por no baxar todavia el Capitan grande Ipandi," and adds, "This seems to indicate that the word Ipande is derived from a personal name. On page 383 we finally read 'Ipandes!'" ("Final Report," Part I, *Papers of the Arch. Inst. of America*, III, 181, note 2.) It may be said, in the first place, that the inference does not seem to be warranted from the language. One might as well conclude from the phrase, "el capitan grande Apache," an expression occurring many times, that Apache is a personal name. In the second place, the error of the inference is made plain by the fact that the terms Ipani, Ipande, etc., were in common use as tribal names from 1732, at least, forward, occurring many times in the documents before 1745.

<sup>3</sup>Santa Ana to the viceroy, March 5, 1743, Carpeta de Correspondencia, 62.

<sup>4</sup>Pacificacion de Apaches, 23. There is some doubt, however, as to whether or not the Ypandes and Pelones are identical, for Santa Ana, in speaking of the main divisions of the Apaches, says that the Ypandes and Apaches [Natagés] do not number more than five hundred warriors, while the Pelones do not exceed eight hundred (Carpeta de Correspondencia, 62), thus differentiating "Ypandes" and "Pelones." His is the only evidence, however, which I have found to offset the direct implication of the phrase "*Ypandes alias Pelones.*" If Santa Ana is correct, one way to reconcile the two statements is to assume that the Pelones, after being driven from their homes by the Comanches, became known later as Ypandes, while the name "Pelones" was still applied to other Indians.

the Comanches had compelled to give up their lands.<sup>1</sup> They had lived farthest north from San Antonio, on the Caudachos [Red] River. According to Santa Ana, in 1745 the Ypandes had only one hundred and sixty-six warriors, and ranged along the frontiers of Coahuila and Texas.<sup>2</sup> They were accustomed to divide into six or seven small bands, the largest not exceeding forty and the smallest sometimes not numbering more than twenty.<sup>3</sup>

It seems that since the opening of the century the Pelones (Lipanes) had changed their relations with other tribes, for Joseph de Urrutia, writing in 1733, said that at the time of his residence among the Indians of eastern Texas, from about 1693-1700, the Pelones and Jumanes were declared enemies of the Apaches, and he wondered that they were now allied tribes.<sup>4</sup>

Governor Bustillo, in 1746, mentions a tribe of "*Apachez llamados los Melenudos*," who made war upon the Yojuanes and the Texas. The location assigned to these Indians, apparently northwest of the Trinity river, leads me to wonder if they may not have been Pelones.<sup>5</sup>

6. *The Jumanes*.—The Jumanes are a confusing element. It will assist somewhat in lessening this confusion if we bear in mind that it is clear that the term "Jumanes" was applied by the Spaniards to two distinct groups of Indians. Most commonly it applied to Indians living in southwestern Texas near the Rio Grande. But after the middle of the eighteenth century, at least, Jumanes was a name applied in New Mexico to the Indians called in Texas the Taovayases—Wichita Indians always hostile to the Apaches.<sup>6</sup>

In the later seventeenth century the Jumanes of southwestern Texas had been enemies of the Apaches. These Jumanes, it seems, in the eighteenth century became allies of the Apaches, while the northern Jumanes, or Taovayases, remained hostile. According to Urrutia, writing in 1733, the Jumanes had formerly lived near the Pelones (along the Red River) and were enemies of the Apaches. He, perhaps, was thinking of the northern Jumanes. In 1731

<sup>1</sup>Carpeta de Correspondencia, 39.

<sup>2</sup>Entrada de los Apaches, 1.

<sup>3</sup>*Ibid.*, 6.

<sup>4</sup>B. MS. Notes, Miscellaneous, 1730-1733.

<sup>5</sup>Memorial del Govor. Bustillo, 4.

<sup>6</sup>B. MS. Notes.

Jumanes are spoken of as an important division of the Apaches, and after the fight near San Antonio of September 18, 1731, a captive declared that the arrows left on the field of battle belonged to the Apaches, Pelones, and Jumanes, "very numerous and allied tribes,"<sup>1</sup> who were enemies of the Texas, Yojuanes, and other tribes of eastern Texas.<sup>2</sup> Almazán, however, said that the Jumanes were not represented in this fight.<sup>3</sup> In 1746 we hear of the "Apaches Jumanes" living just north of the Rio Grande. On account of their depredations it was deemed unwise to remove the presidio of Sacramento to the San Xavier country, as was petitioned for.<sup>4</sup> These Indians were said to roam across the deserts of Coahuila as far as Saltillo, even reaching Nuevo León.<sup>5</sup> In 1749 Jumanes, Comanches, and French were friendly, according to three Frenchmen who were captured in that year near Santa Fé.<sup>6</sup> These Jumanes were undoubtedly Taovayases.

7. *Other Bands*.—In 1732 the Yxandi (Ysandi) and Chenti had joined the Apaches, and were present in the battle with Bustillo on December 9, 1732. This was the first time that the Spaniards had come into contact with them, but they were said to be no less formidable than the "Apaches."<sup>7</sup> The Mescaleros and Salineros, it has been seen, were regarded as merely divisions of the Natagés.

The Tobosos, living beyond the Rio Grande, were allies of the Apaches, it appears from the documents, as early as 1735.<sup>8</sup> They were few in number, but robbed and killed in many places.<sup>9</sup>

<sup>1</sup>Pacificacion de Apaches, 5.

<sup>2</sup>*Ibid.*, 39-40.

<sup>3</sup>*Ibid.*, 13-14.

<sup>4</sup>Memorial del Govor. Bustillos, 13.

<sup>5</sup>Cartas . . . sobre la fundacion de Sn Xavier (1746), 3.

<sup>6</sup>Autos sre averiguar, 41.

<sup>7</sup>Pacificacion de Apaches, 39-40, 42-43, 53.

<sup>8</sup>Ordenes del Virrey Vizarron, 2.

<sup>9</sup>Carpeta de Correspondencia, 46, 63.

## BIBLIOGRAPHY

## MANUSCRIPT SOURCES

In the list of manuscript sources given below, most of the titles designate *expedientes*, that is, groups of documents relating to a given subject, rather than single documents. In the text, the individual documents are cited with reference to the *expediente* titles given here.

Documentos para la Historia Eclesiástica y Civil de la Provincia de Texas. Libros Primero y Segundo ("Memorias de Nueva España" XXVII and XXVIII). These volumes contain various Texas documents dating from 1689 to about 1780. About 600 folios, or 1200 pages.

Testimonio del título de Gobernador y Instrucciones que se le dio a Don Martin de Alarcon pa. la entrada que hizo en la Provincia de los Tejas. 1716-1718. 16 pp.

Papeles del Pe. Hidalgo. From about 1711 to 1724. About 90 pp.

Peña, Derrotero de la Expedicion en la Provincia de los Texas, Nuevo Revno de Philipinas que de orden del Excmo. Señor Marqués de Valero, Vi-Rey, y Capitan General de esta Nueva España passa à executar el . . . Marques de S. Miguel de Aguayo, . . . que escribe El Br. D. Juan Antonio de la Peña. Mexico, 1722. About 100 pp. Also in printed form.

Letter of Aguayo to Margil, ———, 1724.

Autos Hechos: Texas. Año de 1724. 36 pp.

Autos a consulta hecha del Pe. Fr. Joseph Gonzs Misionero del Presidio de San Antto Balero Contra el Capn. Don Nicolas Flores por los motivos q expresa. 1724. 55 pp.

Autos Sre. diferentes puntos Consultados por el Govr. de la Provincia de los tejas Muerte de un Correo y otras materias, etc. 1724. 77 pp.

Declaración del Indio Gerónimo que andaba entre los Apaches recibida en el Presidio de Rio ge. por el Genl. D. Blas de la Garza Falcon. 1724. 3 pp.

Autos fechos en la Bahía de el espiritu santo sobre dos muertes que ejecutaron los Yndios en los Soldados que guardavan la Cavallada de dho Presidio el dia 13 de eno. de este Año de 1724 por

Dn. Ferndo. Perez de Almasan, Govor. y Capn. Genl. de esta Prova. de tejas Nuevas Philipinas. 1724. 39 pp.

Letter of Aguayo to Fray Antonio Margil de Jesús, July 4, 1724. 9 pp.

Primera entrada a la Proa de Texas hasta la Baia del Espiritu Sto. Pretende el Sor. Obpo de Guadra., etc. Liza. pedida p. el Padre Hidalgo y Fr. Franco. Bustamante para entrar a los Apaches Apostolicamte. 1725. 12 pp.

Representacion que haze Fray Miguel Sevillano de Paredes, etc., al Muy Reuo. Padre Fray Pedro Perez de Mesquia, etc., acerca de algunos puntos que se ofrezan sobre la Consistencia y adelantamiento de la Conversion de los infieles de estas Miss. (1726). 6 pp.

Visita de las misiones del Rio Grande del Norte por Fr. Miguel Sevillano de Paredes en 15 de Octubre 1727. 40 pp.

Proyecto Mandado hacer por el Exmo. Sor. Marques de Casafuerte Virev Governador y Capitan General de esta Nueva España, etc., Reducido de la visita hecha por el Brigadier Don Pedro de Rivera, etc. 36 pp.

Diligencias que hizo el colegio año de 1729 para la mudanza de las Mises. de Texas. About 40 pp.

Transsumpto de vn Memorial que por parte de este collegio se remitió al Rey en el Consejo Real de Indias estaño de 1729 en 12 de Nob. 13 pp.

B. MS. Notes. Miscellaneous, 1730-33.

Escrito del P. Sevillano pidiendo dos soldados en cada misión. 1730. 14 pp.

Order of viceroy empowering the governor of Texas to call on other presidios for troops to defend San Antonio. Decree appointing Urrutia as captain of Béxar. 1733. 6 pp.

Autos sobre las providencias dadas pr. su exa. al Governador de la Provincia de Texas pa. la pazificazn. de los Yndios Apaches y sus aliados. (Cited as Pacificacion de Apaches). 1731. 56 pp.

Carpeta de Correspondencia de las Proas. Ynternas por los años de 1726 á 1731 con los Exmos. Sres Marques de Casa y Fuerte y Conde de Fuen-Clara.-Tambien comprende alguna correspondencia hasta el año de 1736, gobierno del Yllo. Sor Vizarron (Goes to 1743 also). 93 pp.

Opinions of auditor, July 18 and 23, 1733, and decree of the viceroy, July 30, 1733.

Order of Joseph Antonio Fernandez de Jauregui Urrutia that no citizen of Béxar shall discharge firearms unless he sees Indians entering the place. 1736. 3 pp.

Residencia de Sandobal. 1736-7. About 100 pp.

Autos of Don Prudencio de Orobio Bazterra. 1737. 3 pp.

Ordenes del Virrey Vizarron sobre la visita que hizo á los Presidios y Misiones el Genl. D. Blas de la Garza Falcon. 1738. 5 pp.

Autos hechos por el Govr. de Texas Sobre la Remision de el Capn. Cabellos Colorados y otros treze Yndios e Yndias de Nacion Apache, a la Rl. Carcel de Corte, &a. 1738. 6 pp.

Testimonio de Diligencias sobre Ynfidelidad de los Apaches. (Cited as Ynfidelidad de Apaches). 1738. 24 pp.

Expendiente sobre la campaña q á su costa ha de hacer en la Prova. de Texas Nuevas Philipinas pr. el mes de Abril del sigte. año Dn. Joseph de Urrutia Capn. del Presidio de Sn. Antonio de Bexar, y demas providencias q en su respuesta se piden pr. el Sr. Auditor Pa el restablecimto. de dha Prova. 1738. 25 pp.

Libro de Cavildo formado en este año de Mil Settesienttos quarentta y dos onse de henero Je dho año—para senttar ttodas las detterminaciones de dho Cavildo—Año de 1742. 10 pp. (Records of the Villa of San Fernando.)

Entrada de los Apaches en el Presidio de Sn. Anto. año de 1745. 10 pp.

Cartas del R. P. Guardian Fr. Alonso Giraldo de Terreros, del Genl. Dn. Melchor, De Media Villa y Anchona [sic], del R. P. Presidte. Fr. Mariano de los Dolores sobre la fundacion de Sn Xavier, año de 1746. 15 pp.

Memorial del Govor. Bustillos en contra de la fundacion de Sn Xavier, presentado al Exmo. Sor. Virrey. Año de 1746. 16 pp.

Satisfaccion de los Missioneros á las objecciones hechas por el Govr. Bustillos contra las fundaciones de Sn. Xavier. 1746. 17 pp.

Suplica del P. Preste. Fr. Benito al Capn. de Sn. Anto. para que ynforma a su Exa. el estado de los Apaches, con el informe que dho Capn. hizo. Feb. 2. 1746. 5 pp. (Sub-title: Informe del P. Preste. Fr. Benito al Pe. Gn. Del Estado de los Apaches, pre-tende su Convn.)

Letter from Manuel de la Piszina to the Cabildo regarding a loan of powder, March 11, 1746.

Memorial del R. P. Presidente al Capn. de Sn. Antonio pidiendo fuerzaz para la defensa del Presidio y misiones de Sn. Javier, 1747. 7 pp.

Autos fhos. en virtud de superior Horn. y derrotero deel descubrimiento deel Transitto hasta la Junta de los Rios de Conchos con el grande de el Nortte, como adentro se expressa. por el Gral. Dn. Pedro de Rabago y Theran, Governor. y Thente: de Capn. Gral de esta Provinzia de San Francisco de Coaguyla, Nueva Extremadura, sus Prezidios, Confines, y fronterras por S. Mgttd. (que Dios gue). 1748. 26 pp.

Therán to the Cabildo, August —, 1748. 1 p.

Informe del R. P. fr. Benito de Sta Ana al Exmo sobre la fundacion de Sn. Xaxier (1752 ?). 9 pp.

Copia de Carta del P. Fr. Mariano. March 13, 1749. 4 pp.

Autos sre averiguar que rumbo han ttraido ttres Franzeses que llegaron al Pueblo de taos con la Nazon. Cumanche q. benian a hazer sus aconstumbrados resgattes. 1749-1751. 58 pp.

Testimony taken in support of the right of Béxar to exercise jurisdiction over San Sava rather than that this jurisdiction should be exercised by Coahuila or Nuevo Mexico. 1756. 19 pp.

Ynforme del Governador de Texas dn. Domingo Cabello sobre pazes de los Apaches Lipánes en la Colonia del Nuevo Santander. Año de 1784. 69 pp.

#### PRINTED WORKS

Arrievita, *Crónica Seráfica y apostólica del colegio de Propaganda Fide de la Santa Cruz de Querétaro en la Nueva España, dedicada al Santísimo Patriarca El Señor San Joseph*. Segunda Parte. México, 1792.

Bancroft, *North Mexican States and Texas*, I. (San Francisco, 1888.)

Bonilla, "Breve Compendio de los sucesos ocurridos en la Provincia de Texas desde su conquista, ô reduccion hasta la fha. Por el Theniente de vnfanteria D. Antonio Bonilla. Mexico, 16 de Noviembre de 1772." (Translation in *THE QUARTERLY* of the Texas State Historical Association, VIII, 1-78.)

Clark, "The Beginnings of Texas" (in THE QUARTERLY of the Texas State Historical Association, V, 171-205 and VI, 1-26).

Garrison, *Texas* (Boston, 1903).

*Handbook of American Indians North of Mexico*, Part I (Bureau of American Ethnology, Bulletin No. 30).

Kerlérec, "Projet de Paix et d'Alliance avec les Cannecis et les avantages qui en peuvent résulter, envoyé par Kerlérec, gouverneur de la province de la Louisiane en 1753" (in *Journal de la Société-des Américanistes de Paris*, III, No. 1).

Yoakum, *History of Texas* (in *A Comprehensive History of Texas*. Wooten, editor, Dallas, 1898).

## AFFAIRS OF THE ASSOCIATION

In the sketch of General Volney E. Howard published in the October number of THE QUARTERLY (Volume XIV, Number 2) it was stated (page 148) that he died in 1885. Judge Fulmore wishes this corrected. The date should be May 3, 1889.

---

Major Ira H. Evans, of Austin, has presented to the Association a copy of the *Washington Spectator-Extra* for June 12, 1844. It contains some valuable matter on the annexation of Texas to the United States.

---

The annual meeting of the Association will be held on March 2, 1911. Members will be notified by letter of the hour and place of the meeting.



# THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL ASSOCIATION

VOL. XIV

APRIL, 1911

No. 4

*The publication committee and the editor disclaim responsibility for views expressed by contributors to THE QUARTERLY.*

## THE SOUTHWESTERN BOUNDARY OF TEXAS, 1821-1840<sup>1</sup>

THOMAS MAITLAND MARSHALL

### I. THE BOUNDARY QUESTION DURING THE SPANISH RÉGIME

The purpose of the author in preparing this paper was primarily to review the question of the boundary between Texas and Mexico as one of the antecedents of the Texas-Santa Fé expedition. This explains why the study ends abruptly with 1840. The history of the southwestern boundary of Texas during the Spanish régime has been so thoroughly treated by different writers that a detailed discussion of it is unnecessary here. However, in order that the subject may be presented in its entirety, a brief review of the salient facts seems necessary.

1. *The Spanish View.*—The expedition of La Salle in 1685 aroused the Spanish to explore and temporarily occupy eastern Texas. The first mission, San Francisco de los Tejas, was established southwest of Nacogdoches near the Neches river in 1690.<sup>2</sup> Terán, who was made governor of Coahuila and Texas in 1691,<sup>3</sup> explored the country to the Red river. In 1693 Texas was aban-

<sup>1</sup>This paper was prepared in connection with Professor Bolton's seminar in Southwestern history. The writer desires hereby to thank the editor of THE QUARTERLY for valuable suggestions.

<sup>2</sup>Clark, in THE QUARTERLY, V, 175-189.

<sup>3</sup>Cox. *ibid.*, V, 84.

doned,<sup>1</sup> and after 1700 the mission of San Juan Bautista on the Rio Grande formed the extreme Spanish outpost.<sup>2</sup> During the period 1716-1722, Texas was reoccupied and six missions and two presidios in eastern Texas, a presidio and a mission on the San Antonio, and a post and a mission on San Bernard Bay (Espíritu Santo) were established.<sup>3</sup>

So far as has been ascertained, the first mention of the boundary occurred in 1721 when the governor of Coahuila and Texas stated it to be the Medina river.<sup>4</sup> Similar statements are found in Spanish documents in 1744 and 1746.<sup>5</sup> In the latter year José de Escandón was commissioned to pacify the gulf coast; the province of Nuevo Santander was established; and Escandón appears to have had jurisdiction to the San Antonio.<sup>6</sup> The La Fora map of 1767 placed the boundary somewhat west of the Medina.<sup>7</sup> In 1772 Bonilla stated that the boundary line between Coahuila and Texas was the Medina.<sup>8</sup> All official documents for the rest of the century placed it at the Nueces. An order of 1811 and an official map of 1816 gave the Nueces as the boundary line between Texas and Nuevo Santander, and the Medina as the boundary between Texas and Coahuila.<sup>9</sup>

2. *French Claims.*—The first suggestion of a French occupation of Texas came in 1682 from Peñalosa, a former governor of New Mexico, who had found refuge at the court of Louis XIV. He proposed to settle a French colony at the mouth of the Rio Bravo, and La Salle no doubt heard of his schemes.<sup>10</sup> In 1684 La Salle was authorized to rule the country from the Illinois river to New Biscay.<sup>11</sup> He landed on the shore of Matagorda Bay the follow-

<sup>1</sup>Clark, in *THE QUARTERLY*, V, 190-201; Baneroft, *North Mexican States and Texas*, I, 402-406.

<sup>2</sup>Clark, *ibid.*, VI, 4.

<sup>3</sup>*Ibid.*, VI, 20-25; Austin, *ibid.*, VIII, 285-286.

<sup>4</sup>Garrison, *Westward Extension*, 101; Cox, in *THE QUARTERLY*, VI, 85.

<sup>5</sup>Altamira, in Yoakum, *History of Texas*, I, 381-402; Garrison, *Westward Extension*, 101.

<sup>6</sup>Bolton, in *THE QUARTERLY*, VI, 187-190, 195.

<sup>7</sup>Garrison, *Westward Extension*, 101; also copy of the map in possession of Professor Bolton.

<sup>8</sup>West, in *THE QUARTERLY*, VIII, 9-10.

<sup>9</sup>Bolton, *ibid.*, VII, 202; Garrison, *Westward Extension*, 103-104.

<sup>10</sup>Miller, in *THE QUARTERLY*, V, 97-112.

<sup>11</sup>Baneroft, *North Mexican States and Texas*, I, 392-394.

ing year; he was murdered two years later, and the settlement was broken up.<sup>1</sup>

In 1712 Antoine Crozat was given by letters patent the right to trade "in all the Lands possessed by Us, and bounded by New Mexico"<sup>2</sup> . . . In 1714 M. Louis de Saint Denis reached the presidio of San Juan Bautista on the Rio Grande and informed the Spanish that the French claimed to that river. In 1721 La Harpe, who had concessions on Red river and who had been carrying on a clandestine trade with the Spanish, made an unsuccessful attempt to found a colony at Matagorda bay.<sup>3</sup> The map of Du Pratz in 1738 gave the Rio Grande as the boundary.<sup>4</sup> During the administration of Barrios in Texas, which ended in 1756, there were French trading posts west of the Sabine. When the Spanish established a presidio on the Trinity in 1756 the French protested, basing their claim on the settlement of La Salle. The cession of Louisiana at the end of the Seven Years War ended the difficulty until 1800.<sup>5</sup>

The treaty of San Ildefonso reopened the question. Louisiana was ceded "with the same extent . . . that it had while in the possession of France . . ." Victor's instructions in 1802 gave the boundary as the Rio Grande. When the country was sold to the United States the boundary was left indefinite, following the wording of the treaty of San Ildefonso. This ended the French claims to Texas.<sup>6</sup>

## II. DURING MEXICAN RULE

During the period from 1821 to 1836 no action appears to have been taken concerning the boundary line, although there are evidences that Texans were already looking toward the Rio Grande. In 1824 Texas and Coahuila were united as a single province, Texas being known as the Department of Béxar. The court

<sup>1</sup>Joutel, *Journal of La Salle's last voyage*, 54, 116, 134; Le Clercq, in *Journeys of . . . La Salle* (Cox, ed.), I, 216-217; Clark, in *THE QUARTERLY*, V, 178-181.

<sup>2</sup>Joutel, *Journal*, 213.

<sup>3</sup>Cox, in *THE QUARTERLY*, X, 9-13; Phelps, *Louisiana*, 66-67.

<sup>4</sup>*Ibid.*, X, 17.

<sup>5</sup>*Ibid.*, X, 21-24, 69.

<sup>6</sup>Henry Adams, *History of the United States*, II, 4-6, 16-17, 43.

records show that at this time the Mexican inhabitants of Béxar recognized the claims of Tamaulipas (Nuevo Santander) to the lands south of the Nueces.<sup>1</sup>

During the Fredonian war certain Texans claimed the Rio Grande as the western boundary.<sup>2</sup> In December, 1826, Hayden Edwards and Harmon B. Mayo, on behalf of the discontented settlers, made a treaty with the Indians. The latter were to have all territory "north of a line beginning at the mouth of Sulphur fork; thence to a point not far from Nacogdoches; thence west to the Rio Grande. All the territory south of that boundary to belong to the other party."<sup>3</sup>

In 1828 the State of Coahuila and Texas granted a contract to John Davis Bradburn and Stephen Staples, giving them the right to navigate the Rio Grande with steam or horse-power for fifteen years.<sup>4</sup> This would raise the question of jurisdiction over the lower Rio Grande. Beales and Grant in 1833 obtained a concession from Coahuila and Texas to settle eight hundred families between the Nueces and Rio Grande. Kennedy's map gives the eastern boundary of this grant as the line between Coahuila and Tamaulipas, but it is significant that the only settlement which they made was at Dolores, near the Rio Grande, and that no protest appears to have been made by Tamaulipas. Considering the Fredonian treaty, the grant of 1828, and the settlement of 1833, it would appear that at least as far as Coahuila and Texas were concerned, they considered the lower Rio Grande as within their jurisdiction.<sup>5</sup>

In 1834 Juan N. Almonte was sent to Texas to report on its condition for statehood. In his report he says that the inhabitants claimed "that the true boundary ought to commence at the mouth of the Aransas and follow it up to its source; and from there it ought to continue in a straight line, until it meets with the Medina, where it is joined to the San Antonio. following then

<sup>1</sup>Cox, in *THE QUARTERLY*, VI, 97-98; Memorial of the Texan Convention of April, 1833, to the general Congress of the United Mexican States, in Yoakum, *History of Texas*, I, 469.

<sup>2</sup>Hutson, in *The South in the Building of the Nation*, III, 336; Foote, *Texas and the Texans*, I, 253-255.

<sup>3</sup>*Ibid.*, 357; Yoakum, *History of Texas*, I, 248.

<sup>4</sup>Yoakum, *History of Texas*, I, 259.

<sup>5</sup>*Ibid.*, I, 317; Kennedy, *Texas*, I, map opp. 336.

by the eastern margin of the same Medina as far as its source, it ought to terminate in the boundaries of Chihuahua." This is the last mention of the Medina boundary that has been found.<sup>1</sup>

### III. THE QUESTION DURING TEXAN INDEPENDENCE, TO 1840

1. *The Treaty of Velasco*.—Actual hostilities between Texas and Mexico began in 1835.<sup>2</sup> On March 1, 1836, the Texan convention met, and the following day issued a declaration of independence. General Sam Houston was elected commander-in-chief of the Texas army and David G. Burnet president *ad interim*.<sup>3</sup> The battle of San Jacinto occurred April 21, 1836. Among the prisoners was Santa Anna.<sup>4</sup> On May 3 Houston wrote to Rusk, the secretary of war, advising him with respect to the arrangements to be made with Santa Anna. Regarding the boundary he said, "The limits of Texas should extend to the Rio Grande, from the mouth, pursuing the stream to its most northwestern source, and thence northeast to the line of the United States." This letter no doubt had great weight in the dealings with Santa Anna, as well as in influencing the future claims of the republic of Texas.<sup>5</sup>

At Velasco, May 14, 1836, Santa Anna and Burnet signed the so-called treaty of Velasco. This treaty was in two parts, a public and a secret agreement.<sup>6</sup> In the public agreement there was no positive statement of boundary lines. Article 3 said, "The Mexican troops will evacuate the territory of Texas, passing to the other side of the Rio Grande del Norte." This to the Texan mind of the period might be construed to mean an acknowledgment of the Rio Grande as a boundary line, but this interpretation would not hold in an unprejudiced court. The secret agreement was more explicit. Article 4 stated that, "A treaty of commerce, amity, and limits, will be established between Mexico and Texas, the territory of the latter not to extend beyond the Rio Bravo del

<sup>1</sup>Cox, in *THE QUARTERLY*, VI, 98-99.

<sup>2</sup>Barker, in *The South in the Building of the Nation*, III, 364.

<sup>3</sup>*Ibid.*, III, 365.

<sup>4</sup>Barker, in *THE QUARTERLY*, IV, 259.

<sup>5</sup>Houston to Rusk, May 3, 1836, in Yoakum, *History of Texas*, II, 154, note 2.

<sup>6</sup>Treaty of Velasco, in Yoakum, *History of Texas*, II, 526-529.

Norte." This statement is typical of the wily Santa Anna. Although he was a prisoner, he was guaranteeing that the Mexican government would make a treaty, but at the same time leaving a loophole for repudiation in the clause concerning boundaries. Santa Anna's meaning is made clear by a letter to Houston November 5, 1836, in which, after urging that he be sent to Washington, he says:

Convinced as I am that Texas will never reunite with Mexico, I am desirous, on my part, to improve the advantages which may offer, and avoid the sacrifices which will occur should an important attempt be made to reconquer this country, which has hitherto proved more detrimental than beneficial: consequently reducing the Texan question to this single point—the regulation of the limits between the United States and Mexico, . . . which, you are aware, has been pending many years, and may be fixed at the Nueces, del Norte, or any other boundary, as may be decided on at Washington.<sup>1</sup>

If the Texans had put the most favorable interpretation upon the wording of the treaty of Velasco, they could not misunderstand this letter. The treaty of Velasco did not place the boundary at the Rio Grande; the question of the validity of that treaty, therefore, is of no consequence.<sup>2</sup> A garbled statement of the treaty, often used as authority, is given by Foote.<sup>3</sup>

2. *Proposals of Austin and Wharton.*—Eight days after Santa Anna's letter to Houston, Stephen F. Austin, secretary of state, wrote to W. H. Wharton, Texan Minister Plenipotentiary to the United States, as follows:

As regards the boundaries of Texas, perhaps this question cannot be definitely settled at present; it may, however, be important for you to explain the views of this government on this point. You will therefore use the following as you may deem necessary. We claim and consider that we have possession to the Rio Bravo del Norte. Taking this as the basis, the boundary of Texas would be as follows. Beginning at the mouth of said River on the Gulf of Mexico, thence up the middle thereof, following its main channel, including the Islands to its most northerly Source, thence in a

<sup>1</sup>Santa Anna to Houston, November 5, 1836, in Yoakum, *History of Texas*, II, 530-531.

<sup>2</sup>See Garrison, *Westward Extension*, 106, for another view.

<sup>3</sup>Foote, *Texas and the Texans*, II, 526-528.

direct line to the United States boundary under the treaty of De Onis at the head of Arkansas river, thence down said river and following the United States line as fixed by said De Onis treaty to the Gulf of Mexico at the mouth of Sabine, thence Southwardly along the Shore of said Gulf to the place of beginning, including the adjacent islands, soundings etc . . . Should it appear that very serious embarrassments or delays will be produced by insisting on the above described line, the following alterations might be made on the Western boundary—Instead of the Rio Bravo, beginning on the West of the Gulf of Mexico, half way between the mouth of the Bravo and the inlet of Corpus Christi, which is the main outlet of the Nueces river and bay into the Gulf, thence in a northwestwardly direction following the dividing ridge of high land that divides the waters of the Nueces river and bay, from those of the river Bravo to the hills or mountains in which the main branch of the said Nueces River has its Source, and thence following said ridge or chain of mountains westerly so as to strike the River Puerco or Pecos five leagues above its mouth. . . . From the place where the line will strike the Puerco it is to follow the ridge or mountain that divides its waters from those of Rio Bravo, and to continue along said mountains above the head of said Puerco or Pecos to the United States line, at the head of the Arkansas River. The Bravo as a line would cut off many settlements and some villages of native Mexicans and divide the populous valley of New Mexico. It therefore may be seriously objected to. The other line along the dividing ridge includes no Mexican population except Bexar and Goliad whose inhabitants have joined the cause of Texas and are represented in Congress. . . . The Salt lakes or ponds between the Nueces and Rio Bravo are of incalculable value and would supply a great amount of this article in the chrystalized form—the last mentioned line would divide them, the first would include them all.<sup>1</sup>

Such in part were the instructions to Wharton, who was going on a mission to the United States to attempt to bring about two desired ends, i. e., recognition of the independence of Texas and annexation to the United States.<sup>2</sup> Austin could hardly have been ignorant of Santa Anna's letter to Houston, for Houston had been president since October 22.<sup>3</sup> He was evidently voicing the ideas of the president. The proposal of a second line is interesting in

<sup>1</sup>Austin to Wharton, November 18, 1836, in *Am. Hist. Assoc., Ann. Rpt.*, 1907, II, 132-133.

<sup>2</sup>*Ibid.*, II, 127.

<sup>3</sup>*Ibid.*, II, 23.

the light of happenings of the following month. The advantages of acquiring New Mexico were not entirely convincing, although at a later date the republic was willing to attempt to acquire it by force of arms.<sup>1</sup>

In his private instructions to Wharton, Austin made it plain that the leaders who were directing affairs were not anxious for annexation. He said,

Notwithstanding the vote of the people at the September election, in favor of annexation, you are aware that very many persons of influence who voted for that measure, merely yielded to the peculiar circumstances of the time, and incline strongly to the opinion, that Texas ought to remain a separate and independent Republic. Should our affairs assume a more favorable aspect by a termination of the war, and a treaty with Mexico, and by the manifestation of a friendly disposition towards us by England and France, it will have a powerful influence on public opinion; and in all probability decide in favor of remaining independent.

Austin then explained that if the United States was inclined to be indifferent or to impose "unjust and hard terms" in receiving Texas, Wharton was to induce England and France to acknowledge the independence of Texas and to interpose with Mexico to procure an acknowledgment with the boundary line at the Rio Grande. Feeling that the size of Texas might deter the United States from admitting it, Austin gave Wharton the interesting task of showing that it was much smaller than was generally supposed. "It probably will not exceed One hundred thousand Square Miles, supposing the western boundary to be on the dividing ridge between the Rivers Nueces and Puerco, and the River Bravo, which it is probable will be the line finally established."<sup>2</sup>

Wharton's reply stated that he believed that Austin must be greatly in error in supposing that Texas contained only one hundred thousand square miles. He proposed a third line which would follow up the Rio Grande to the Mexican "settlement" then follow the mountains, leaving all of the valley of the upper Rio Grande to Mexico.<sup>3</sup>

<sup>1</sup>Garrison, *Westward Extension*, 107-108.

<sup>2</sup>Austin to Wharton, November 18, 1836. Private and Special instructions, *Am. Hist. Assoc., Ann. Rpt.*, 1907, II, 138-139.

<sup>3</sup>Wharton to Austin, December 11, 1836, *Am. Hist. Assoc., Ann. Rpt.*, 1907, II, 151-154.

3. *The Boundary Defined by the Texas Congress.*—Before Wharton's letter could have arrived an act of the Texas Congress, of December 19, 1836, had defined the boundary line as beginning at the mouth of the Rio Grande and following that stream to its source. Houston's idea had evidently overruled the more cautious Austin.<sup>1</sup>

Santa Anna was sent to Washington, reaching there January 18, 1837.<sup>2</sup> He conveyed the impression that he would be reinstated in power and that then all difficulty would cease. Jackson informed Wharton "that he had conversed freely with Santa Anna in regard to extending the at present open southwestern line so as to include Texas and that their views and wishes were in entire accordance."<sup>3</sup> Three days later Wharton wrote to Austin that "the conclusion of the war would afford a favorable opportunity of extending by treaty the at present open South Western boundary of this Government to the Rio del Norte, with the assent of Mexico and Texas."<sup>4</sup> It is evident from this that Wharton had received no information at this time of the declaration regarding boundaries. Even Austin's letter to Wharton of December 19, the day of the passage of the act, failed to mention the matter. It is evident from a perusal of the correspondence between December 19 and February 5, that the question of annexation was paramount and that the idea of boundaries had been lost in the larger question.<sup>5</sup>

4. *Expansionist Views.*—In February the idea was suggested to Wharton by Jackson "that Texas must claim the Californias on the Pacific in order to paralyze the opposition of the North and East to annexation. That the fishing interest of the North and East wish a harbor on the Pacific; that this claim of the Californias will give it to them and will diminish their opposition to annexation. He is very earnest and anxious on this point of claiming the Californias and says we must not consent to less. This is strict confidence. Glory to God in the highest."<sup>6</sup> This

<sup>1</sup>Garrison, *Westward Extension*, 106-107.

<sup>2</sup>Wharton to Austin, January 17, 1837, *Am. Hist. Assoc., Ann. Rpt.*, 1907, II, 176-177.

<sup>3</sup>Wharton to Houston, February 2, 1837. *Ibid.*, II, 180.

<sup>4</sup>*Ibid.*, February 5, 1837, II, 183.

<sup>5</sup>Various letters, *Am. Hist. Assoc., Ann. Rpt.*, 1907, II, 156-181.

<sup>6</sup>Wharton to Rusk, No. 9 (n. d.), *Am. Hist. Assoc., Ann. Rpt.*, 1907, II, 193-194.

was promptly reported to Rusk in the above enthusiastic manner, and no doubt voiced the view of many Texans who wished to form a great republic. Many in eastern Texas had expressed the opinion that the eastern Mexican provinces ought to be united in one state. But the idea of Jackson was still more expansive, and it evidently pleased Wharton.<sup>1</sup>

The recognition of the independence of Texas was the last official act of Jackson.<sup>2</sup> This step cleared the political atmosphere. The uncertainty of the action of the United States being ended, the Texan diplomats again took up the question of the Rio Grande boundary.

Catlett, secretary of the Texas legation, on April 15, wrote to Henderson, secretary of state, that he had conversed with General Ripley, who urged the seizure of Matamoras and Brazos Santiago and the establishment of a town on the eastern side of the Rio Grande.<sup>3</sup> Six weeks later Hunt urged Henderson that a loan be made, the money to be used to take up a position on that river. He believed that an offensive war should then commence at once, and be pushed, even to an advance on Mexico City.<sup>4</sup> In view of the fact that Texas was in a weak condition at that time, without credit abroad, with resources exhausted at home, and on the verge of anarchy, it is interesting to note the aggressive views of the diplomats.<sup>5</sup> In July the idea of offensive war was taking definite shape; an expedition under Felix Huston against Matamoras and Tampico was planned,<sup>6</sup> in spite of the fact that a large part of the Texan troops had been granted furloughs the previous May.<sup>7</sup> General Plummer, who was then in the United States raising troops, was expected to assist.<sup>8</sup>

5. *Moderate Wishes of the Texan Government.*—In August the

<sup>1</sup>Yoakum, *History of Texas*, II, 56.

<sup>2</sup>Wharton and Hunt to Henderson, March 5, 1837, Am. Hist. Assoc., Ann. Rpt., 1907, II, 201.

<sup>3</sup>Catlett to Henderson, April 15, 1907, Am. Hist. Assoc., Ann. Rpt., 1907, II, 207.

<sup>4</sup>Hunt to Henderson, May 30, 1837, *ibid.*, II, 222-223.

<sup>5</sup>Irion to Hunt, June 26, 1837, *ibid.*, II, 233.

<sup>6</sup>Henderson to Houston, July 20, 1837, *ibid.*, II, 244.

<sup>7</sup>Yoakum, *History of Texas*, II, 215-216.

<sup>8</sup>Henderson to Houston, July 20, 1837, Am. Hist. Assoc., Ann. Rpt., 1907, II, 244.

tone of the Texan government underwent a decided change, no doubt the financial depression above noted having its effect. Irion, secretary of state, wrote to Hunt in August as follows: "With respect to the southwestern boundary this Republic claims to the Rio Grande. Should the United States however object to this extension of our Territory insist only on the former limits of Texas, which were fixed by the Government of Mexico at the River Nueces. Should *insuperable* objections arise to receiving this Republic as a State negotiate for admission as a Territory." This implies a willingness to surrender all previous positions regarding the boundary and to acknowledge the legality of the Nueces line.<sup>1</sup> In replying to this communication, Hunt makes no mention of the boundary; he was evidently engrossed with the larger question of annexation.<sup>2</sup>

Nothing further of importance concerning the boundary line is found in the diplomatic correspondence until January 31, 1838. At that time Hunt wrote a lengthy despatch to Irion in which he stated that on November 15 he had believed that a war between the United States and Mexico was imminent, and that the Rio Grande would be made the southwestern boundary of the United States.<sup>3</sup> His despatch of November 15, however, failed to convey such an import.<sup>4</sup> In January he was convinced that the United States would not make war, and that the question of annexation was beset with insurmountable difficulties. He was pessimistic in regard to the Preston resolutions which affirmed the right and expediency of making the Rio Grande the southwest boundary of the United States, prophesying that they would be laid upon the table. In spite of rebuffs on the subject of annexation, the expansionist Texan view was uppermost in Hunt's mind, for in a conversation with Forsyth regarding the northern boundary, when asked as to how far Texas contemplated running that boundary, he replied, "As far as the Pacific Ocean," but he later admitted that he had not been authorized to do so by his government.<sup>5</sup>

March 31, 1838, Irion wrote to Hunt officially stating the bound-

<sup>1</sup>Irion to Hunt, August 13, 1837, *ibid.*, II, 257.

<sup>2</sup>Hunt to Irion, October 21, 1837, *ibid.*, II, 266-267.

<sup>3</sup>*Ibid.*, January 31, 1838, *ibid.*, II, 285.

<sup>4</sup>*Ibid.*, November 15, 1837, II, 267-268.

<sup>5</sup>*Ibid.*, January 31, 1838, II, 286-288.

aries of Texas as defined in December, 1836, and saying that Texas did not wish to run the northern boundary west of the 100th degree of west longitude, leaving a distance of eight or nine degrees to be run at a future time when it could be done with less expense—a statement that showed that the government was more conservative than its diplomats.<sup>1</sup> In spite of this, Hunt was still bent on running the line to the Pacific. He believed that the United States was “very desirous . . . to procure the Bay of St. Francisco.” He urged that it would be indispensable to Texas, if the final treaty of peace with Mexico left her a separate power, to possess that fine harbor.<sup>2</sup> Irion replied rather testily, “You seem to entertain erroneous opinions with regard to the views of this Government in relation to our western boundary line.” He again explicitly stated the boundary, and ended by saying, “With respect to the Bay of San Francisco, the South Sea and Pacific Ocean, and the territories bordering thereon, this Government, at the present time, has no concern. . . . At a future time this Government may, and probably will, by conquest or negotiation, extend its boundary to the Pacific; but during existing relations the President cannot perceive in what manner speculations concerning the territory referred to have any relevancy to the question now under consideration.”<sup>3</sup>

*C. Mediation by the United States Proposed.*—The question of boundary was not again brought into the diplomatic correspondence until General Richard G. Dunlap was sent to the United States as Minister Plenipotentiary. His instructions were drawn up by James Webb, acting secretary of state under Lamar. As they evidently voice the intentions of that administration they are worthy of extended examination. The question of annexation was dropped, and instead, the United States was to be asked to become a mediator to bring to an end the difficulties existing between Texas and Mexico. In the settlement of the difficulties the boundary act of December 19, 1836, was to be insisted upon, but if Dunlap failed to get a recognition of independence from Mexico with an acknowledgment of those limits, he was to endeavor to obtain the recognition of independence, leaving the question of lim-

<sup>1</sup>Irion to Hunt, March 21, 1838, *ibid.*, II, 319.

<sup>2</sup>Hunt to Irion, April 13, 1838, *ibid.*, II, 324.

<sup>3</sup>Irion to Hunt, May 18, 1838, *ibid.*, II, 327-328.

its to be settled by future negotiations. If both of these propositions failed, he was to attempt to obtain an armistice for two years provided it would apply to all territory claimed by Texas, the armistice to be guaranteed by the United States.<sup>1</sup>

After forming an opinion of the situation at Washington, Dunlap wrote to Lamar. He said that Secretary Forsyth had hinted that money would settle the difficulty with Mexico, and reminded Lamar that the matter had come up in a cabinet meeting in which it was believed that Texas might purchase the lands between the Nueces and Rio Grande "without losing character." He then took up the proposal formerly made by Hunt. "How would you like to have the boundary of the Republic to run to the Pacific so as to include California? This may seem too grasping, but if we can get it ought we not to take it and pay for it? Texas is *the* rising sun of the day. . . ." June 28, Dunlap again urged that money be paid to Mexico, stating, "When we commence a purchase, it may be easy to extend our limits."<sup>2</sup> By August 29 Dunlap had not heard from his government regarding their views on the subject, and again inquired concerning them.<sup>3</sup> In October he again took up the subject although he had received no instructions. He had broached the matter to Martínez, the Mexican minister, but naturally received an unfavorable reply,<sup>4</sup> in spite of the fact that he made a proposal that Texas give a money equivalent.<sup>5</sup> On January 12, 1840, Dunlap informed Burnet that he had received notice that the Senate had refused to ratify his nomination as Minister to the United States. This did not deter him from again urging the acquisition of California, expressing the fear that the United States had designs upon that country.<sup>6</sup> Dunlap remained at Washington until relieved by Bee, who arrived April 20, 1840.<sup>7</sup>

7. *Refusal of Mexico to Treat with Texas.*—It is necessary to

<sup>1</sup>Webb to Dunlap, March 13, 1839, *Am. Hist. Assoc., Ann. Rpt.*, 1907, II, 368-370.

<sup>2</sup>Dunlap to Lamar, May 16, 1839, *ibid.*, II, 385.

<sup>3</sup>Dunlap to Burnet, June 28, 1839, *ibid.*, II, 407.

<sup>4</sup>*Ibid.*, August 26, 1839, *Am. Hist. Assoc., Rpt.*, 1907, II, 417.

<sup>5</sup>*Ibid.*, October 12, 1839, II, 419.

<sup>6</sup>Dunlap to Martínez, October 8, 1839, *ibid.*, II, 422.

<sup>7</sup>Dunlap to Burnet, January 12, 1840, *ibid.*, II, 435.

<sup>8</sup>Bee to Lipscomb, April 21, 1840, *ibid.*, II, 447.

turn back to the spring of 1839 to ascertain the attempts that Texas made to open direct communication with Mexico. About the time that Dunlap was sent to Washington Barnard E. Bee was sent to Mexico. Santa Anna was again in power, and it was believed that the mission would meet with success.<sup>1</sup> Bee was armed with a proposition to offer five million dollars for the recognition of Texan independence, but upon the condition that the boundary be placed at the Rio Grande instead of the Nueces.<sup>2</sup> The proposition, however, was never presented, as the Mexican government refused to receive the minister.<sup>3</sup>

*S. Attempts to Secure British Mediation.*—A large amount of the Mexican debt at this time was in the hands of English bondholders. Gordon, a representative of the house of Lizardi and Company, a British firm representing Mexican interests in London, wrote to Pakenham, the British minister at Mexico, informing him of Bee's proposal. Gordon proposed that Mexico satisfy the English bondholders to the amount of \$5,000,000 by locating lands for them between the Nueces and Rio Grande, receiving that amount from Texas and agreeing to the Rio Grande boundary. This plan came to naught because of the rejection of Bee. Gorostiza, the Mexican foreign minister, stated that Mexico would never consent to such a limit, and suggested that if a boundary were eventually fixed it would be desirable to have an European government guarantee it.<sup>4</sup> A similar proposal that England guarantee a treaty which would settle the boundary line was made by Texas.<sup>5</sup> England, however, refused to guarantee the line at this time.<sup>6</sup>

Early in 1840 James Treat, who was sent to Mexico by Texas, arrived at his station.<sup>7</sup> He was to present a proposition that peace be made, or failing in that, that an armistice be affected, both of which propositions hinged upon the acceptance of the Rio

<sup>1</sup>Webb to Dunlap, March 14, 1839, *Am. Hist. Assoc., Ann. Rpt.*, 1907, II, 376.

<sup>2</sup>Adams, *British Interests and Activities in Texas*, 26-27.

<sup>3</sup>Dunlap to Forsyth, June 26, 1839, *Am. Hist. Assoc., Ann. Rpt.*, 1907, II, 408.

<sup>4</sup>Adams, *British Interests and Activities in Texas*, 26-28.

<sup>5</sup>*Ibid.*, 40.

<sup>6</sup>*Ibid.*, 42.

<sup>7</sup>*Ibid.*, 41.

Grande boundary. By October it was known that Treat's mission had failed, the Mexican government stating that if an armistice were feasible, the line of separation must be the San Antonio river.<sup>1</sup>

In December, 1839, General James Hamilton was sent abroad to attempt to secure a loan of five million dollars.<sup>2</sup> Before going he had had considerable correspondence with Pakenham concerning the English bondholders. He urged a proposal ostensibly the same as Bee's.<sup>3</sup> He visited England and then France in 1840 and by February 4, 1841, he wrote that he believed the French loan would be successful. Unforeseen circumstances, however, arose and the loan was denied.<sup>4</sup> He afterward visited Brussels and London, but before anything definite was concluded the Lamar administration had ended. The new administration of Houston was extremely economical and immediately repealed all laws authorizing the five million loan.<sup>5</sup>

The failure of Hamilton's overtures crippled the military program of the Lamar administration. Yoakum says, "It is believed that, had General Hamilton negotiated the loan, the army of at least ten thousand men would have marched into Mexico in 1841." "Texas proper," said Burnet, "is bounded by the Rio Grande: Texas, as defined by the sword, may comprehend the Sierra del Madre. Let the sword do its proper work."<sup>6</sup>

November 14, 1840, a treaty between England and Texas was signed, which was to be ratified in six months. It stated in part, that Texas had accepted the English offer of mediation, and were England successful in mediating with Mexico, Texas would assume one million pounds sterling of the Mexican debt, which was practically the Bee proposal which Mexico had already rejected.<sup>7</sup> The third part of the treaty which dealt with the suppression of the slave trade was not forwarded with the other treaties and hence the Texan congress had not had an opportunity of fair examina-

<sup>1</sup>Adams, *British Interests and Activities in Texas*, 45-48.

<sup>2</sup>Yoakum, *History of Texas*, II, 282; Adams, *British Interests and Activities in Texas*, 36.

<sup>3</sup>Adams, *British Interests and Activities in Texas*, 36-38.

<sup>4</sup>Yoakum, *History of Texas*, II, 314-318.

<sup>5</sup>*Ibid.*, II, 340.

<sup>6</sup>*Ibid.*, II, 318.

<sup>7</sup>Adams, *British Interests and Activities in Texas*, 58-59.

tion of the whole situation. In consequence Palmerston refused to ratify the treaties at this time.<sup>1</sup>

Thus we find that the financial and the two chief features of the diplomatic program of Lamar's administration, namely, recognition by England and Mexico, had failed. It remained for him to put his military plans into operation in the expedition against Santa Fé in the endeavor to make good the claim to the Rio Grande.<sup>2</sup>

9. *Summary.*—To sum up the situation: Between 1821 and the battle of San Jacinto, the boundary line was legally the Nueces, although Coahuila and Texas appear to have encroached upon Tamaulipas during this period. The first mention by the Texans of the Rio Grande as a boundary was made during the Fredonian war. The suggestion of that river as a boundary came from Houston before the treaty of Velasco, which treaty, however, did not definitely state the boundary line. Before the declaration of boundary by the Texan government, Austin was in doubt concerning the line, but thought that it ought to be the Rio Grande. He instructed the Texan minister to the United States to that effect, but stated that smaller limits would be accepted if the Rio Grande boundary stood in the way of annexation. The Texan congress declared the boundary at the Rio Grande soon after. The suggestion was made in 1837 by Jackson that Texas should claim California. Texan independence was recognized the same year, and in July Texas planned an offensive war against Mexico. In August a change in the views of Texan statesmen took place; Texas appeared anxious for annexation and was willing to sacrifice the land as far as the Nueces to accomplish it. In 1838 and 1839 the Texan diplomats at Washington were in favor of an expansion of territory to the Pacific, but the home government entertained no such view. In 1839, the question of annexation having been dropped for the time being, the Texan government bent its efforts upon securing the assistance of the United States to act as mediator in securing the recognition of Texan independence by Mexico, with the boundary at the Rio Grande. In the same year and in 1840 Texas made unsuccessful attempts to negotiate with the Mex-

<sup>1</sup>Adams, *British Interests and Activities in Texas*, 67-68.

<sup>2</sup>Garrison, *Westward Extension*, 107-108.

ican government directly. Difficulties beset the Lamar administration, Hamilton's negotiations for a loan having failed, and the treaty with England not being ratified at this time. Such was the situation when the Texan Santa Fé expedition was sent out.

SOME HISTORICAL ACTIVITIES OF THE TEXAS  
LIBRARY AND HISTORICAL COMMISSION

E. W. WINKLER

## I. BRIEF HISTORY OF THE BILL CREATING THE COMMISSION

The Texas State Historical Association was organized March 2, 1897. During the session of the legislature in 1899 a bill was introduced having for its object the creation of a Texas Historical Commission. The Commission was to consist of the Commissioner of Agriculture, Insurance, Statistics and History, who was *ex officio* State Librarian at that time, and of two other persons, members of the Texas State Historical Association, to be appointed by the Governor. The name, personnel and functions of this proposed Commission indicate clearly where it originated. The bill passed the senate, but died on the calendar in the house because it was not looked after by those who had it in hand.

The State Federation of Women's Literary Clubs was organized May 13, 1897. This new organization inaugurated an enthusiastic campaign for libraries. A glance at the date of opening in a list of Texas public libraries illustrates this fact. The president of the Federation in her annual address in April, 1899, in reviewing the year's work, said, "The leading interest of our federation year has been the work for libraries." The special library committee gave an excellent account of its work, and concluded its report with the statement that it hoped that the movement so auspiciously begun would "grow and spread until our grand state shall be so permeated as to compel favorable legislation, and Texas shall lead the other states in the liberality of her library laws."

The increase in the number of libraries in this State led to the organization of the Texas Library Association on June 9, 1902. The number of library workers was still too small to maintain an organization, so it drew generously for its support and membership upon the women's clubs. In turn it provided the library movement begun and carried on by the clubs with a number of trained leaders and indefatigable workers.

A bill to create a State Library Commission was introduced in

the legislature in 1903. The proposed commission was to consist of five members appointed by the Governor. The Commission had charge of library extension only; there was to be no connection between it and the State Library. The bill failed to pass. Two years later the same bill was again introduced. However, it had been changed so as to extend the Commission's control over the State Library. This bill also failed to pass. In 1907, a bill much more carefully drawn but along the lines of that of 1905, was introduced. To the provisions of this bill was added the legislative reference section, and to the five appointive members were added two *ex officio* members—the superintendent of public instruction and the president of the University of Texas. Owing to peculiar conditions in the legislature, this bill failed to pass. The bill introduced in 1909 resembled that of 1907 in all its provisions, but changed the title to Texas Library and Historical Commission, reduced the appointive members to three, and substituted the professor of history in the University of Texas for the president of that institution. This readjustment in the name and membership of the commission was in thorough accord with the provisions already embodied in the bill, and in the opinion of some helped the passage of the measure in no small degree. The law went into effect March 19, 1909.

## II. DUTIES OF THE COMMISSION

The duties of the Texas Library and Historical Commission may be briefly summarized as follows:

1. To control and administer the State Library and to maintain therein a legislative reference section "for the use and information of the members of the legislature, the heads of the several state departments, and such other citizens as may desire to consult the same."
2. To conduct library extension work. "The commission shall give advice to such persons as contemplate the establishment of public libraries in regard to such matters as the maintenance of public libraries, selection of books, cataloguing and library management. The commission shall have conducted library institutes, and encourage library associations."
3. To perform the functions of a department of archives and

history. The commission is directed by law "to collect materials relating to the history of Texas and the adjoining states, to preserve, classify and publish the manuscript archives and such other matters as it may deem proper, to diffuse knowledge in regard to the history of Texas, to encourage historical work and research, [and] to mark historic sites and houses and secure their preservation."

As it is with the duties of the commission enumerated under the last sub-division that this paper concerns itself, it may not be out of place to go somewhat into the details of the provisions of the law relating thereto. The various materials which the commission is authorized to collect may be acquired by purchase, gift, exchange, transfer, or on deposit. Acting under the direction of the commission the state librarian shall

collect [1] all manuscript records relating to the history of Texas now in the hands of private individuals . . . [He] shall endeavor to procure from Mexico the original archives which have been removed from Texas and relate to the history and settlement thereof, and in case he can not procure the originals, he shall endeavor to procure authentic copies thereof. In like manner he shall procure the originals or authentic copies of manuscripts preserved in other archives beyond the limits of the State, in so far as said manuscripts relate to the history of Texas. [2] He shall seek diligently to procure a copy of every book, pamphlet, map or other printed matter giving valuable information concerning this State. [3] He shall endeavor to complete the files of the early Texas newspapers now in the State Library, and he shall cause to be bound the current files of not less than ten of the leading newspapers of the State, and the current files of not less than four leading newspapers of other States, and as many of the county papers, professional journals, denominational papers, agricultural papers, trade journals and other publications of this State as seem necessary to preserve in the State Library an accurate record of the history of Texas. [4] He shall collect portraits or photographs of as many prominent men of Texas as possible. [5] He shall constantly endeavor to build up an historical museum worthy of the interesting and important history of this State. [Last but not least, 6] He shall demand and receive from the officers of State departments having them in charge, all books, maps, papers, manuscripts, documents, memoranda and data not connected with or necessary to the current duties of said officers, relating to the history of Texas, and carefully classify, catalogue and preserve the same.

### III. REVIEW OF THE COMMISSION'S WORK

The broad and liberal terms of the law as set forth above have perhaps excited the curiosity and raised high the expectations of the reader in regard to what has been accomplished. It is better, therefore, to remind him at the outset that it is one thing to have prepared drawings and specifications for a beautiful structure, and quite another matter to obtain the money with which to erect the same. The law outlines the work to be done by the commission. The biennial appropriation indicates the resources available for doing this work. Reference to the last appropriation bill will show that of necessity only a small portion of the commission's task could be performed during the past two years.

1. *Books*.—While it might prove interesting to this audience to mention some of the books and pamphlets relating to the history of Texas that have been acquired since March 19, 1909, time and space forbid. A few of the larger works, bearing more or less directly on the field of Southwestern history, can be touched upon.

a. *Publications* of the Hakluyt Society, 1848-1906, First Series, 100 volumes, Second Series, volumes 1-18. These series embrace the voyages and travels of the great age of discovery which inaugurated the period of modern history. Columbus, Cortes, De Soto, and Cabeza de Vaca are some of those whose writings are included.

b. *Biblioteca Hispano-Americana, 1493-1810*. Por José Terribio Medina. Santiago de Chile, 1898-1907. 7 vols. In this comprehensive bibliography of Spanish America the works are listed in the chronological order of their publication, and in alphabetical order when there are several publications for the same year. Each publication is described; the location of some of them in public libraries is indicated; reference is made to other bibliographies in which they are included; and an account of the authors is supplied in some instances. Each volume has an index to the names of authors, but there is no general index to the set. The titles listed are distributed as follows:

Number of volume.	Date of publication.	Titles listed.	Years covered by these titles.
I	1898	1-449	1493-1600
II	1900	450-1153	1601-1650
III	1900	1153-2023	1651-1700
IV	1901	2024-4284	1701-1767
V	1902	4285-6151	1768-1810
VI	1902	6152-7737	16..-1806
VII	1907	7738-8481	1567-1738

It will be observed that volumes six and seven are supplementary to the first five volumes.

c. *The South in the Building of the Nation*. Richmond, 1909-1910. 10 volumes. The subtitle of this work is "A history of the Southern States designed to record the South's part in the making of the American nation; to portray the character and genius, to chronicle the achievements and progress and to illustrate the life and traditions of the Southern people." The brevity and large number of subjects treated give the work very much the character of a cyclopedia. The longer articles on Texas are the following:<sup>1</sup>

Texas as a part of Mexico. By C. W. Hutson.

Texas as a Republic. By E. C. Barker.

Texas in the Federal Union. By S. P. Brooks.

Texas in the Confederacy. By C. W. Ramsdell.

Texas in the New Nation. By C. W. Ramsdell.

The State Finances of Texas. By E. T. Miller.

d. *Library of Southern Literature*. Atlanta, 1909. 15 vols. This work sets itself the task "to represent comprehensively and in adequate amount the literary life of the Southern people of the United States." The following Texans have been given space in this work:<sup>2</sup>

Amelia E. Barr. By Mrs. Clara Driscoll Sevier.

William A. Chittenden. By John A. Lomax.

<sup>1</sup>In the biographical section of this work (Volume x, page 338) Judge John H. Reagan's name is incorrectly given as "Joseph" H. Reagan.

<sup>2</sup>Among the inscriptions printed in Volume 14 are those of the Alamo Monument. Unfortunately, the best known of these inscriptions is incorrectly quoted: "Thermopylae had her messenger of *death* but the Alamo had none." The italicised word should be defeat. To make the error the more glaring, reference is made to Volume VI of THE QUARTERLY, where the inscription is correctly given.

David Crockett. By James M. Grainger.

Robert Louis Dabney. By J. Gray McAllister.

Mary Evelyn Moore Davis. By William B. Smith.<sup>1</sup>

Lafayette Rupert Hamberlin. By P. H. Eager.

Sam Houston. By George P. Garrison.

Mirabeau B. Lamar. By A. W. Terrell.

Clarence Ousley. By Rev. William M. Harris.

J. P. Sjolander. By Hilton R. Greer.

Stark Young. By R. A. Law.

2. *Newspapers*.—The commission has had the pleasure of adding a number of files, or portions of files, of early Texas newspapers to those already in the State Library.

a. *Telegraph and Texas Register*. A bound file of this paper from June 12, 1837, to August 4, 1838, was presented by Mrs. Wells Thompson. The volume is not in as perfect condition as could be wished; as Mrs. Thompson expressed it, "the book has gone through all the storms, hurricanes and cyclones of the Matagorda coast."

b. *Texas State Gazette*. A partial file of this paper for the period from September 17, 1855, to March 22, 1862, was among the articles included in Mrs. Thompson's valuable gift. This paper was published at Austin.

c. *New Orleans Weekly Delta*. Included in Mrs. Thompson's gift there was an almost complete file of this important New Orleans paper for the period from October 18, 1847, to February 1, 1862.

d. *De Bow's Review*. There was among the materials presented by Mrs. Thompson a fairly complete, unbound file of this important journal, beginning with January, 1846, and extending to 1870. "This review was to commerce, manufactures, agriculture, internal improvements, and industrial activity in any line, what the *Southern Literary Messenger* was to literature, while in history they met on common ground. Its field was the south, west and southwest; it undertook to defend their rights, develop their

<sup>1</sup>In the biographical sketch of Mrs. Davis is found this sentence: "In 1870, at the age of eighteen, she published at Houston her first volume, 'Minding the Gap, and other poems,' which attained much popularity and passed through several editions." Copies of this volume "Minding the Gap," etc., in the State Library show that it was first published in 1897.

resources, collect and preserve their statistics, and during much of its existence, made these subjects superior to the questions of national politics."<sup>1</sup> No effort will be made to refer to all the articles on Texas in this review, but it may be well to direct attention to some of the more important, which have been noted in this incomplete file:

St. Denis's expedition to Mexico. II, 215-224.

Early times in Texas. X, 166-175, 413-423.

Life and times of Lafitte. XI, 372-387; XII, 111-113, 222; XIII, 101-2, 204-5, 422.

Bowie family. XIII, 378-383.

Memucan Hunt. XIII, 416-419, with portrait.

Captain John McHenry. By John Henry Brown. XIV, 46-48.

Captain Henry S. Brown. By John Henry Brown. XV, 572-583.

Thomas J. Rusk. XXIII, 432-437.

Stephen F. Austin. By James H. Bell. XXIV, 114-136.

William S. Oldham. By E. Fontain. XXXVIII, 873-880.

e. *Neu Braunfelser Zeitung*. A file of this paper, covering the period from November 25, 1853, to September 20, 1872, was one of the important additions to the early Texas newspapers published in German. This paper was edited by Ferdinand J. Lindheimer, a scholar who enjoyed international fame as a botanist. "For twenty years he was editor and publisher of this paper, and only the infirmities of age compelled him to lay aside his duties. The *Neu Braunfelser Zeitung* was nominally Democratic, but was really intended and actually conducted impartially in the interests of the whole people and the editor was ever fearless in guarding them against private interest and political graft."<sup>2</sup>

f. *San Antonio Herald*. The State Library has had for some years an incomplete file of the *San Antonio Daily Herald*. It covered the following dates:

August 4, 1857, to March 31, 1860.

November 27, 1865, to June 30, 1867.

January 1, 1868, to June 30, 1876.

<sup>1</sup>Stephen B. Weeks, in *The Literature of American History*, 322.

<sup>2</sup>*Eighteenth Annual Report of the Missouri Botanical Garden*, 139.

January 1 to June 30, 1878.

January 1 to December 31, 1879.

The period of the Civil War is entirely blank in this file. The State Library has had many inquiries concerning the *Herald* during the war, and many efforts were made to ascertain what became of the missing file. A. C. Gray in his *History of the Texas Press* conveys the impression that the *Herald* was published during the war.<sup>1</sup> An addition to the file of this paper recently made by the State Library shows that Mr. Gray is in error. It comprises the *San Antonio Tri-Weekly Herald* for the period from August 29 to November 11, 1865, and the *Daily Herald* from November 14, 1865, to December 30, 1866. In Volume I, Number 1, of the *Tri-Weekly Herald*, issued August 29, 1865, appears the following editorial paragraph:

In putting forth our *Tri-Weekly* we are entering upon no untried experiment, we having published in this city a Daily issue for several years previous to the war, and in point of fact the first Daily paper<sup>2</sup> ever published in this State. The demand for news in this city has never been so great as at present. This demand it will be our earnest endeavor to supply. At an early date the electric telegraph will be completed to this city, and from that date a complete revolution will have been effected on the whole subject of news and newspapers. Truly, a new era that will be, when, through the instrumentality of electricity (now that the Atlantic has been spanned by the 'cable') the news from two continents shall be published simultaneously in San Antonio!

The same paper, in its issue of October 28, 1865, noted the completion of the telegraph to San Antonio in the following paragraphs:

It is with no ordinary satisfaction that we announce the completion of telegraphic communication to this city—an event which took place day before yesterday . . . The office of the line is located in the Menger Hotel, and is under the management of our young friend, Mr. Charles Spellman . . . He represents that the line is in full working order to Austin, Houston and Galveston, and through those places to all parts of the United States.

<sup>1</sup>*Comprehensive History of Texas*, II, 395, 405.

<sup>2</sup>The writer of this statement evidently had forgotten that *The Morning Star* was published at Houston from April 8, 1839, until about the middle of 1841 as a daily paper.

We have made arrangements for the reception and publication of all news as it reaches Houston, having a special agent there to forward it over the wires. Should we find our *Tri-Weekly* too slow for the new order of things, we shall resort to a Daily, being determined to give the News full and fresh.

Within a fortnight the daily made its appearance; the first issue, dated November 14, 1865, had the following announcement:

Over seven years ago, the proprietors of the *San Antonio Herald* commenced the publication of a Daily paper, which was continued regularly until near the breaking out of the late war. We now resume that paper . . .

g. *Texas New Yorker*. The commission has also added to the newspaper files of the State Library the *Texas New Yorker* for the period from September, 1870, to August, 1872, and September, 1873, to August, 1874. This is a monthly publication, issued in New York city, by George H. Sweet, and was "devoted to making known to the capitalist, merchant, mechanic, and emigrant the agricultural, horticultural, stock-raising and other latent wealth of Texas."

3. *Manuscripts*.—The additions of manuscript materials during the past two years have been important, and have added much to the State Library's resources in this direction. It will not be possible to enumerate every manuscript or document. The following are the more important:

a. "Notes of Travel made by Geo. H. Sweet, of San Antonio, Texas, on his trip through Mexico," July 6 to September 16, 1866, is an interesting manuscript volume, 4x7 inches in size and numbering 168 pages. It was secured from a bookseller in Brooklyn, New York.

b. Hutchinson's Diary. The valuable manuscript diary of Judge Anderson Hutchinson was obtained from a bookseller in Harrisburg, Pennsylvania. The diary has been printed in THE QUARTERLY, XIII, 294-313.

c. Burnley Papers. The State Library has had for many years a collection of manuscripts called the Burnley Papers. During the past year an important addition to the collection was made from an altogether unexpected quarter. A. T. Burnley was loan

commissioner of the Republic of Texas.<sup>1</sup> A number of important original letters, relating to his financial mission were bid in by the State Library at an auction sale in New York City.

d. Lost manuscripts recovered. The report of the Commissioner of Agriculture, Insurance, Statistics and History for the year 1891 contains the following statement:

The Spanish documents in the Archives of Bexar, relating to the early settlement of Texas, were, by act of the legislature, August 25, 1856, translated and transferred, originals and translations, to the office of the Secretary of State. These papers, consisting of two thousand pages legal cap, appear by Commissioner Spaight's report in 1882, to have been lost for a while, then found and recovered by himself from the legal representative of the Alexander estate in Austin and restored to their proper place of deposit in this department as fixed by law. Some time between 1882 and 1886 these renowned documents, which had engrossed so large a share of the public attention, to say nothing of their cost to the treasury, again disappeared from their place of custody without notice.

The translations referred to above were discovered by the State Librarian among the Spanish Archives of the General Land Office, and after satisfactory proof was made they were turned over to the State Library by Commissioner Robison. A hasty and incomplete examination of the Nacogdoches Archives in the State Library shows that a large per cent of the originals from which the translations were made are preserved in that collection. This discovery furnishes an explanation to what has been a puzzling question, namely, why so many documents that one would expect to find in the Bexar Archives are actually among the Nacogdoches Archives.

e. Reagan Papers. On February 18th last, the John H. Reagan Papers were added to the State Library. An appropriation for their purchase was made by the thirty-first legislature. While there has not been made any extensive examination of these Papers, one is led to expect much material of value relating to the history and public men of Texas since 1847, the approximate date of Judge Reagan's entry into public life.

f. The Lamar Papers. The most important addition to the

<sup>1</sup>A biographical sketch of A. T. Burnley was printed in *THE QUARTERLY*, XIV, 150-154.

historical archives of the State Library, however, was the collection of manuscripts made by President Mirabeau B. Lamar. Their purchase also was provided for by an act of the thirty-first legislature. Lamar had planned to write a history of Texas, and also a history of the Austin family; the collection was made with these ends in view. Notices of the Lamar Papers have appeared in *THE QUARTERLY*, IV, 58 and XIII, 81.

4. *Phonographic Record*.—Governor Colquitt presented to the State Library the phonographic record of Governor Hogg's address to the Democratic Legislative Banquet at Dallas, November 6, 1905. This is popularly known as Governor Hogg's last speech. He was ill when he composed it, and not being allowed to attend the banquet made use of the phonograph to convey his message.

#### IV. PRINTING THE TEXAS ARCHIVES

The collecting of the materials upon which must be based the written history of this State is, of course, preliminary to all other efforts. But sufficient progress has been made in this preliminary work, as regards certain portions of our history, to warrant making a beginning in the publication of the historical records of Texas.

Together with its First Biennial Report, the Texas Library and Historical Commission submitted a copy of the Secret Journals of the Senate of the first eight congresses of the Republic of Texas, and this is now in press. Plans are under way to follow up this initial volume with others as rapidly as the materials can be prepared and the funds that may be available will permit.

It is believed that such publication will give increased impetus to the study of Texas and Southwestern history as it will augment the opportunities of students. Certainly it will put the sources of our history in more enduring form and place them beyond the chance of total loss that is always present so long as they are preserved in manuscripts of which there is but one copy.

LIFE OF A. HORTON AND EARLY SETTLEMENT OF  
SAN AUGUSTINE COUNTY<sup>1</sup>

ALEXANDER HORTON

I was born in the state of North Carolina the 18th day of April, 1810. My father's name was Julius Horton, my mother's name was Susannah Purnell. My father moved to the state of Louisiana in 1818. He died in the month of May, 1818, leaving my mother with nine helpless children. The names of the children were, Nancy, Elisabeth, Sarah, Samuel, Sandy or Alexander, Martha, Wade, Henry, Susan. My mother moved to Texas the first of January, 1824, and settled in San Augustine, then called Ayish Bayou. There were but a few people then living in the county. I found James Gaines keeping a ferry on the Sabine River. The next house was Maximilian's. At the Pato Gaucho Bayou Macon G. Call [lived]. The next settler was Brian Dougherty [Dougherty?], living at the place where Elisha Roberts formerly lived. The next place was Nathan Davis's. He lived at the crossing of the Ayish Bayou, at the place where William Blount now resides, but the houses were east of the houses where Mr. Blount now resides. At that place lived John A. Williams. From there there was no one living until you came to the place where Milton Garrett lived; then a man named Fulcher lived [there?]. And at or near the Atoyac lived Thomas Spencer. That was about the number of inhabitants living in this county the first of January, 1824.

But the county from this date began to fill up rapidly. People

<sup>1</sup>This is the title given by the author to his autobiographical sketch. It is dated, "San Augustine Oct 18 1891." At that time the writer was in his eighty-second year. He died January 11, 1894. Though written so long after the events which they describe, his recollections show little evidence of being influenced by published accounts, and this apparent independence naturally increases their value. The sketch is written in a cheap account book, seven and a half by twelve inches in size. On account of its recent date, the Editors have not treated it as a document, but have corrected syntax, spelling, punctuation, and paragraphing. The language and style, however, are essentially unchanged. The Editors are indebted to Miss Katie Daffan for obtaining the sketch from Colonel Horton's daughter, Mrs. L. C. Neale, of San Augustine, with permission to publish.

began to make rapid improvements, and all things seemed prosperous. Among the early settlers of this county were some of the noblest men to be found in any county. They were generous, kind, honest and brave. I will here give the names of many of them. I will begin with David and Isaac Renfroe, Elisha Roberts, Donald McDonald, John Cartwright, Willis Murphy, Philip A. Sublett, John Chumley, Nathan Davis, Obadiah Hendricks, John Bodine, John Lout<sup>1</sup> (?), Bailey Anderson, Benjamin Thomas, Wily Thomas, Shedreck Thomas, Thomas Cartwright, Isaac Lindsey, John G. Love, Martha Lewes and family, George Jones, Acalas [Achilles] Johnston, Elias K. Davis, Theodore Dorset, John Dorset, Benjamin Lindsey, Stephen Prater, Wyatt Hanks, James and Horatio Hanks, Solomon Miller, Hiram Brown, William Loid [Loyd?]<sup>2</sup> George Teel, Edward Teel, John Sprowl, James Bridges, Ross Bridges, Peter Galoway, John McGinnis. These were the most [of the] earliest settlers of East Texas.

In 1825 the people began to make rapid improvement, opening large farms and building cotton gins. This year Elisha Roberts, John A. Williams, and John Sprowl each erected cotton gins on the main road, for at that time there was no one living either north or south of the old king's highway. In the year 1824 William Quirk built a mill on the Ayish Bayou just above where Hawke's mill now stands. All things now went on harmoniously for several years, the county filling up rapidly.

The first trouble we had came in 1827. This was what was called the Fredonian war. This grew out of a quarrel between the Mexican citizens of Nacogdoches and Colonel Hayden Edwards. Colonel Edwards had obtained from the Mexican Government the right to colonize the county south of the road leading from Nacogdoches to the Sabine River, and had settled in the town of Nacogdoches with his family; but a dispute arose soon between him and the Mexican citizens in regard to their land matters. These things were referred to the Mexican authorities, who at once decided in favor of the Mexican citizens, and at once took from Edwards his colonial grant and gave the colony to Antonio<sup>3</sup> de Zavala. This act aroused Edwards to desperation, and he at once

<sup>1</sup>Or Laut.

<sup>2</sup>Or Lord.

<sup>3</sup>This should be Lorenzo.

proceeded to the United States and raised a large force of volunteers, marched upon Nacogdoches, and after a short engagement took the town, killing one Mexican and wounding several. They then raised what they called the Fredonian flag and established the Fredonian government. He (Edwards) then called upon the citizens of Ayish, Sabine, and Teneha or Shelby to join. This they refused to do, not seeing any cause for a war with Mexico. This again aroused Edwards to desperation, and he at once issued a proclamation, giving the citizens a given time to join him, stating that all who did not do so were to be driven out of the county, and their property confiscated. In furtherance of this he sent down to this county about one hundred men and stationed them on the road about two miles east of the Ayish Bayou. This threat, backed by such a force, entirely broke up the county. Every citizen of this county with the bare exception of Edward Teel and myself fled across the Sabine, and it did seem as if all was lost. But at last the comforter came. The evening before the Fredonians were to carry out their threat, to my great joy and surprise, who should ride up to my mother's but my old and well-tried friend Stephen Prater? A braver or more honest man never lived in any county. He had with him about seventy-five or one hundred Indian warriors, all painted and ready to execute any order given by Prater. When he rode up to my mother's house he called me out and said, "not run away yet?" I told him I had not left, and did not intend to leave. He then said, "are you willing to join us and fight for your country?" I told him I was. "Then," said he, "saddle your horse and follow me, for I intend to take that Fredonian garrison in the morning or die in the attempt." I at once saddled my horse, shouldered my rifle, and fell into line. Stephen Prater had only eight white men with him. The rest of the citizens had gone over Sabine for protection from the government of the United States. I well remember all of those he had with him: James Bridges, Sr., James Bridges, Jr., Ross Bridges, Peter Galoway, and John McGinnis, his two sons, Stephen and Freeman, and A. Horton. He marched that evening up to within about four hundred yards of the Fredonian force, dismounted his men, and at daylight in the morning marched them up near the fortification. After telling them that the place was to be taken by storm but that they were not to fire or kill any one

unless fired on first he gave the order for a charge. When the order was given to charge, the Indians raised the war whoop, and it was so terrible that the Fredonians threw down their arms and begged for quarter, which was at once granted. They were all disarmed and put under guard. Next day was the day that the troops were to come down to carry out their threat of confiscation. As fast as they arrived they were arrested and put under guard, so that in the course of a few hours we had them all under guard. When this news reached Nacogdoches Colonel Edwards and the rest of the party fled to the United States, across the Sabine River at Richard Haley's crossing, and this was the last of the Fredonian war. This is a true and correct statement. Though many things may have been left out or forgotten, what is stated is true and correct.

All things after this went on smoothly. The Mexican government was highly pleased with the part taken by the Americans, and at once appointed officers to extend land titles to the colonists. The county rapidly filled up with settlers.

In 1832 a civil war broke out in Mexico. President Bustamante declared in favor of a monarchical form of government, and General Santa Anna in favor of the constitution of 1824. The Americans everywhere in Texas took up arms in favor of Santa Anna. At that time there was a regiment of Mexican soldiers stationed at Nacogdoches, under the command of Colonel Piedras, who declared in favor of the central government. The people of East Texas declared in favor of the constitution of 1824, at once flew to arms, and elected James W. Bullock commander-in-chief. James W. Bullock was a well-trying soldier. He had served under the immortal Jackson in Indian wars, and was with him at the battle of New Orleans. The Texians marched for the town of Nacogdoches the last of July, 1832, and on the second of August formed themselves in regular order of battle and demanded the surrender of the place, or the raising of the Santa Anna flag. Both of these Colonel Piedras refused to do, sending us word that he was well prepared and ready to receive us. About 10 o'clock on the 2d day of August the battle began. The Mexicans meeting us at the entrance of the town, a furious fight commenced which lasted all day, the Americans driving them from house to house until they reached the "Sone Hous" [Stone House?]. There they made

a desperate stand, but they were again driven from there into their main fortification which was called the "quartell." This ended the fighting on the 2d of August. August 3 the Americans were well prepared to commence the fight, but to their surprise they found that the Mexicans had that night abandoned the town and had retreated to the west. A call was made for volunteers to follow them. Seventeen men at once volunteered to go after them, attacked them at the crossing of the Angelina, and after a considerable fight, in which the Mexicans lost their great cavalry officer "Muscus" [Musquiz?] the Mexican took possession of John Durst's houses. The Americans then drew off and took a strong position on the road west of the river, intending to ambush the Mexicans and fight them to the Rio Grande, but after waiting until late in the day we returned to see what the Mexicans were doing. To our surprise, on arriving near the house, we saw a white flag floating from Durst's chimney. We approached the place with caution, for we had only seventeen men, and Piedras had an entire regiment, but we approached as near as we thought prudent, and Piedras and his officers came out and surrendered themselves as prisoners of war. We then were at a loss to know what to do with so many prisoners, so we hit upon the following plan: it was agreed that Colonel Piedras and the officers should be taken back to Nacogdoches, and that the soldiers should remain where they were until further orders. On arriving at Nacogdoches with our prisoners a treaty was made by which Piedras and his officers were paroled and sent home by the way of New Orleans, pledging themselves not to take up arms any more during the war unless fairly exchanged. This was an end to the war of 1832 [in East Texas].

I have forgotten the names of the seventeen men, but I remember some of them: I will begin with James Carter, Hiram Brown, John Noilin, William Loyd, Jack Thompson, George Davis, Horatio Hanks, A. Horton, James Bradshaw, George Jones. The other names I have forgotten.

When I arrived in Texas in 1834 it was so sparsely settled that there were no regulations in any legal form. As we had no knowledge of the Mexican laws, we were a law unto ourselves. But as the country became more thickly settled it became manifest that:

there must be some rule to collect debts and punish crime. The people agreed to elect a man whom they called an *alcalde*, and a sheriff to execute his orders. The *alcalde*'s power extended to all civil and criminal cases without regard to the importance of the cause. Murder, theft, and all other cases, except divorces, came under his jurisdiction, and as the old Texas men and women were always true and loyal to each other, divorce cases were never heard of. The *alcalde* had the power in all cases to call to his assistance twelve good and lawful citizens when he deemed it necessary or the parties requested it; and the decision of the *alcalde* and twelve men was final. From this no appeal could be taken, and there was as much justice done then as there is now, and not half so much grumbling. The first *alcalde* was Bailey Anderson, the next was John Sprowl, in 1830 Jacob Garrett was *alcalde*, in 1831 Elisha Roberts, in 1832 Benjamin Lindsey, in 1833 William McFarland, in 1834 Charles Taylor. I served as sheriff under Roberts, Lindsey, McFarland, and Taylor, but the year of thirty-five called me to the tented field in defence of my country.

The year 1835 brought about a new order of things. After the people had fought for Santa Anna in 1832, looking upon him as the Washington of the day, in 1835 he turned traitor to the Republican party and declared himself dictator or emperor. He soon overran all the Mexican states except Texas, which, true to the principles of 1776, refused to submit to his tyrannical government, and thus brought on the war with Mexico. The people held political meetings everywhere in Texas, and resolved to resist the tyrant at all hazard. A consultation was called to meet at San Felipe de Austin to determine what was best. In the meantime, the people had flown to arms, had taken Goliad and San Antonio, and driven the Mexicans out of Texas. When the consultation met they at once closed the land offices, suspended the civil laws in all cases, and elected Sam Houston commander-in-chief of the armies of Texas. Houston repaired to the army, but Travis and Fannin refused to give up the command to Houston, and he returned home much mortified. This disobedience of orders led to all the destruction of our armies. Had Fannin and Travis turned over the command to Houston, those fine armies

would have been saved.<sup>1</sup> Houston had to return and wait until the meeting of the convention in March, 1836, before he could get the command, and then it was too late.<sup>2</sup> On the assembling of the convention, among its earliest acts was the election of Houston to be commander-in-chief, for at the time Travis's letters were coming every day calling for troops, saying that the Mexican army was advancing rapidly on him in great force, but that he would hold the post to the last and would never surrender.

Houston arrived at Gonzales about March 11 with only four men, Colonel Hockley, Richardson Scurry, A. Horton, and one other man. When he reached Gonzales he found the glorious Edward Burleson there with about four hundred men who had started to reinforce Travis, but who on reaching there had learned that Santa Anna had reached San Antonio before them and surrounded the Alamo with a force estimated at from 8,000 to 10,000 men. On Houston's arrival Edward Burleson at once turned over the command to him, and was himself elected colonel of the first regiment.

Great anxiety was felt for the Alamo. Spies came in that evening and said that San Antonio was surrounded by a powerful force, so that they could not approach near enough to see what was its fate, but that they greatly feared that the town had fallen, as all firing had ceased. Soon after this Mrs. Dickinson arrived with her infant daughter and Travis's negro man, and said that every one had been killed, except herself and child and the negro man. She further said that Santa Anna with his whole army was not five miles off, for she had left them at dinner and had come with a proclamation from Santa Anna offering pardon to all who would lay down their arms and submit to the government but certain death to all that were found under arms. This proclamation General Houston read to the men, and then stamped it under his feet, and shouted, "death to Santa Anna! down with despotism!" All the men joined in the shout. But there was no time to be lost, as the enemy was at the door. After a council of war it was decided that the troops must fall back. At once orders were given

<sup>1</sup>This is hardly fair to Fannin and Travis. The question of subordination never arose between Houston and Travis; and Fannin did not behave badly. See *THE QUARTERLY*, V, 338-345, especially 341.—EDITORS OF *THE QUARTERLY*.

<sup>2</sup>See *THE QUARTERLY*, IV, 241, note 1.

for the women and children to retreat as fast as possible, and they were assured that the troops would cover their retreat and defend them as long as a man was left alive.

The retreat was begun about midnight, the troops following the citizens. Houston retreated to the Colorado, and sent word to Fannin to blow up Goliad and join him there, but Fannin refused to do so and paid no attention to the order.<sup>1</sup> Houston remained there many days, expecting Fannin to come to his assistance. While waiting there, Houston's army was stronger than it ever was afterwards. While Houston was expecting Fannin every hour a man well skilled in the Mexican affairs came into camp and brought the dreadful news that Fannin's army had been captured, and all killed after the surrender. This caused great confusion in the army, and the army was again obliged to fall back, and a large number of our men had to be furloughed to take care of their families, which greatly reduced our forces. Houston retreated to the Brazos, to San Felipe. There he turned up the river on the west side, and encamped opposite Groce's Retreat between the river and a large lake. Here he remained many days, sending out his spies in every direction, watching the enemy's motions. At last the glorious spy Henry Carnes brought the news that Santa Anna had forced the crossing of the Brazos at Fort Bend, and was marching on to Harrisburg. Houston at once, by the assistance of the steamboat Yellow Stone, which was lying at Groce's, threw his army across the river, and took up the line of march to Harrisburg which ended in the defeat of the Mexican army and secured the independence of Texas.

In those dark days all seemed to be lost, as that little army was all the hope of Texas. If that little army had been defeated, all would have been lost, for the Indians were on the point of joining the Mexicans. On my way home after the battle of San Jacinto I passed many Indians about the Trinity, painted and armed, awaiting the result of the battle. If it had gone against us, they would have commenced butchering our helpless women and children.

When all seemed lost the noble Sidney Sherman came to our

<sup>1</sup>It should be explained that Fannin's force was divided now, and that his delay in obeying Houston's order was not due to insubordination, but to his effort to collect his scattered men.—EDITORS OF THE QUARTERLY.

assistance with a Kentucky regiment, and rendered great and timely aid, gloriously leading our left wing in the battle of San Jacinto. That battle secured the independence of Texas, and laid the foundation for extending the jurisdiction of the United States to the Pacific Ocean.

I was a member of the consultation of 1835, and voted for the declaration of independence at that time. If it had carried, Texas would have been in much better condition to meet the enemy than she was in 1836. It would have given us more time to organize armies, and we would have been better prepared.

I have been with Texas since 1824, served in all her wars, beginning with the Fredonian war of 1827, in the war between Santa Anna and Bustamante in 1832, in the war of 1835-36 between Santa Anna and the Republic of Texas, and in 1839 against the Cherokee Indians under their great war chief Bowles. I have served Texas in various ways. I was first sheriff four years, I was president of the board of land commissioners in 1838, custom house collector in 1839, and was mayor of San Augustine; I served you one term in the legislature, and there has never been a call for help in the hour of danger that I was not there. I have seen San Augustine twice broken up and abandoned, first in the Fredonian war in 1827 and again in 1836. But I did not witness the latter scene, for I was in the army, acting as aid de camp to General Houston. I have never abandoned my country, though I have had to encounter many dangers, having come to Texas when only fourteen years old without father, money, or friends. I received but a limited education, in fact only what I in a great measure acquired by my own exertions with a little assistance from my friends. I am proud to be able to say that I have been always an honest man. At the age of twenty-seven I was married to Elizabeth Latten, formerly Elizabeth Cooper, by whom I had three children, one son and two daughters. My oldest child I named Sam Houston Horton, after my glorious old chief who led me to battle and remained my best friend through life. Houston Horton is still living; my two daughters, Elisa and Mary are both dead. I lived with my wife ten years. In the meantime, I had by honest exertions accumulated a small fortune. But the civil war of my country left me in my old age penniless, poor; for I had given away a fortune

in land for negro property which was taken away from me by the self-righteous people of the North.

[In 1847 Colonel Horton married a second wife, Mary Harrell. To them were born seven children, Wade W. Horton, Elizabeth Susan, Lavinia, Emma, Alexander, and Mary. This information is furnished in an addendum to his own sketch, written by one of his daughters.]

## MICAJAH AUTRY, A SOLDIER OF THE ALAMO

ADÉLE B. LOOSCAN

Near the entrance to the Capitol at Austin, there stands a monument erected by the state of Texas to the memory of the men who fell in the Alamo. The names thereon engraved are read with reverential feeling, suggesting as they do a picture of sublime self-sacrifice, of lives offered up willingly, that "Texas might have breathing time." These names are arranged in alphabetical order, and that of Micajah Autry, a native of North Carolina, stands among the first.

From his only daughter, Mrs. Mary Autry Greer, of Beaumont, Texas, I have learned some incidents of the life and some traits of the character of this man whose name is ineffaceably traced on the graven tablet and indelibly written on the pages of Texas history. Through the courtesy of Judge James L. Autry, his grandson, I have had the privilege of reading copies of letters written by him to his wife Martha, while on his journey from Tennessee to Texas. I have used such extracts from these as seem best to describe the men whom he met and the trials and the hardships which encompassed him, as well as the ardent hope and fervor of purpose which enabled him without faltering to persevere throughout this fateful last journey. The muster roll, dated Nacogdoches, January 14, 1836, and containing for the most part the names of Tennesseans, forms a kind of sequel to the last letter written by Autry to his wife from the same place. The newspaper obituary published after his death may not be perfectly accurate in all its details, yet it agrees in its main features with family tradition. The hastily written note of Nat G. Smith, without date, portrays vividly the anxiety which filled the hearts of devoted relatives, awaiting with mingled hope and dread the news to be gathered from passengers on the stage coaches. Such documents need little comment from the compiler; they reflect the character of the times, and, more forcibly still, the character of the gentleman, the affectionate husband and father, the patriot, soldier, and hero who is the subject of this sketch.

Micajah Autry was born near the close of the eighteenth century, about 1794 or 1795. Some interesting data are contained in the following obituary notice, published soon after his death, in a North Carolina newspaper:<sup>1</sup>

Major Micajah Autry—We have received a letter from Tennessee informing us that this gentleman was one of the gallant volunteers who fell at the storming of the Alamo, in San Antonio, Texas. He was a native of Sampson County, in this State, but from the age of six years until the year 1823, when he was about 28 years of age, he resided in this County with his father, Mr. Theophilus Autry. Between the ages of 17 and 18, he volunteered in Captain Lord's Company, and marched to Wilmington, when the place was threatened by the British. He afterwards joined the army at Charleston, and remained in the service until the peace in the Spring of 1815.<sup>1</sup>

On his return in consequence of bad health, which prevented his labouring on the farm, he directed his attention to literary pursuits, and soon qualified himself for teaching. In 1823 he moved to Hayesboro, Tenn. Here he studied law and was admitted to the bar at Nashville in 1828 or '9. In 1831 he removed to Jackson, in the Western District of Tennessee where he practised law until November last, when he volunteered in the cause of Texas. He met death in the glorious battle of San Antonio, the particulars of which are too well known to need repetition. He has left a wife and two children in Tennessee, and his aged father and other relatives in this County.

Mrs. Greer says that after moving to Tennessee her father taught school, while studying law, and that about the year 1824 he was united in marriage to Mrs. Martha Wyche Wilkinson, whose maiden name was Putney. This lady was the widow of Dr. Wilkinson, to whom she had borne one child, a daughter named Amelia. For several years the home of Mr. Autry lay within a few miles of Nashville, near which city was also the home of Andrew Jackson, "The Hermitage." Here several children were born, of whom only two, Mary and James L. Autry, grew to maturity. The account of the removal of the family from Nashville to Jackson is here given in the words of his daughter, who was old enough to remember distinctly the incidents of their overland journey.

<sup>1</sup>The Treaty of Ghent was ratified February 17, 1815.

<sup>2</sup>This notice is contained in a clipping which the family has preserved. There is no record of the name or date of the paper from which it is taken.

Mother, Sister, Aunt, my baby brother, his nurse and myself travelled in the family coach, a handsome affair drawn by two large bays. Father rode a fine grey horse, and was an agile, graceful equestrian. The slaves were in two immense wagons, with hoops covered with cloth, not unlike in appearance the large automobiles of the present day, and drawn by horses or mules. Although so young I remember several incidents of the route. One was this: late one evening father dashed up to the coach, saying to the coachman, "Drive for your life! We must reach a house some miles distant. It is said there is a large pack of wolves but a few miles off!" And as he dashed away to warn the wagoners we heard the distant howl of the wolves. We reached the house, however, and were entertained hospitably. The negroes in the wagons always camped out and cooked their own meals. In a few days more we reached our destination, the flourishing little town of Jackson. My father had visited the country some months before, bought several acres of land in the suburbs on a high hill level at the top for many feet and built a hewn log house of four large rooms and a wide hall. Such residences were common throughout the South in pioneer days and were neat and comfortable.

At Jackson Mr. Autry formed a law partnership with Andrew L. Martin, a talented attorney of prominence. They had a large practice, but made the mistake of engaging also in mercantile business, which proved unsuccessful. In its interest Mr. Autry made two trips to Philadelphia and New York to purchase stocks of dry goods, and on one of these occasions heard much talk of Texas. He determined to visit Texas and determine for himself its advantages as a place of residence for his family, and in 1835 he set out on his long and fateful journey. Meanwhile Amelia Wilkinson, Mrs. Autry's oldest daughter, who had been married when quite young to Samuel Smith, a wealthy planter, offered to share her home with her mother and the two little children until a new home should be prepared for them in Texas. Mr. Smith kindly guarded their interests, sold their home, furniture, carriage and horses, and gave work to their slaves.

Autry's letters to his wife tell of his journey. In a letter dated Memphis, Tennessee, December 7, 1835, he says:

I have taken my passage in the steamboat Pacific and shall leave in an hour or two. . . . I have met in the same boat a number of acquaintances from Nashville and the District, bound for Texas, among whom are George C. Childress and his brother. Childress

thinks the fighting will be over before we get there, and speaks cheeringly of the prospects. I feel more energy than I ever did in anything I have undertaken. I am determined to provide for you a home or perish. . . . Fare you all well till you hear from me again, perhaps from Natchez. . . .

[In a letter written from Nachitoches, December 13, 1835, he says:]

About 20 minutes ago I landed at this place safely after considerable peril. About 20 men from Tennessee formed our squad at Memphis, and all landed safely at the mouth of Red River. Major Eaton and Lady were on board the Pacific, to whom I suppose I was favourably introduced by Mr. Childress, from that however or from some other reason Gov. Eaton paid me the most friendly and assiduous attention. . . . I have not met with a more amiable and agreeable man than the Governor. By his persuasion a Major Arnold from Tennessee (a cousin of Gen'l Arnold) and myself left the rest of our Company at the mouth of Red River and went down to Orleans for the purpose of learning the true state of things in Texas as well as which would be the best probable rout. The result was that, the war is still going on favourably to the Texans, but it is thought that Santa Anna will make a descent with his whole forces in the Spring, but there will be soldiers enough of the real grit in Texas by that time to overrun all Mexico.

The only danger is in starvation, for the impulse to Texas both as to soldiers and moving families exceeds anything I have ever known. I have little doubt but that the army will receive ample supplies from Orleans both of provisions and munitions of war, as the people of Texas have formed themselves into something like a government, which will give them credit in Orleans. I have had many glowing descriptions of the country by those who have been there. . . . We have between 400 and 500 miles to foot it to the seat of government, for we cannot get horses, but we have sworn allegiance to each other and will get along somehow. . . . The smallpox has recently broken out here very bad, but I fear the Tavern bill a great deal worse. Such charges never were heard of and we have to stay here probably several days before we can procure a conveyance for our baggage. I suppose we shall join and buy a waggon.

Write to me to this place all the letters you send by mail, perhaps the general intercourse from here to Texas, will enable me to get them conveniently. Write me in Texas by every private opportunity, and I will do the same. . . . I send this by Mr. Sevier who promises to put it in the postoffice at Bolivar or Middleburg. . . .

P. S. The Company of young men that left Jackson before I

did passed through here about 20 days ago. [He mentions the name of Charles Haskell as having been among these, who had all gone on to "St Antone" the seat of war.]

Pursuing the course of Micajah Autry by means of these letters, it appears that he had not overestimated the difficulties that would beset his path on the way to Texas. In the last letter received by his wife he writes as follows:

Nacogdoches, Jany. 13th, 1836.

My Dear Martha,

I have reached this point after many hardships and privations but thank God in most excellent health. The very great fatigue I have suffered has in a degree stifled reflection and has been an advantage to me. I walked from Nachitoches whence I wrote you last to this place 115 miles through torrents of rain, mud and water. I had remained a few days in St. Augustine when Capt. Kimble from Clarksvelle, Ten. a lawyer of whom you may recollect to have heard me speak arrived with a small company of select men, 4 of them lawyers. I joined them and find them perfect gentlemen. We are waiting for a company daily expected from Columbia, Ten. under Col. Hill with whom we expect to march to head quarters (Washington) 125 miles from here, where we shall join Houston the commander in chief and receive our destination. I may or may not receive promotion as there are many very meritorious men seeking the same. I have become one of the most thorough going men you ever heard of. I go the whole Hog in the cause of Texas. I expect to help them gain their independence and also to form their civil government, for it is worth risking many lives for. From what I have seen and learned from others there is not so fair a portion of the earth's surface warmed by the sun.

Be of good cheer Martha I will provide you a sweet home. I shall be entitled to 640 acres of land for my services in the army and 4444 acres upon condition of settling my family here. Whether I shall be able to move you here next fall or not will depend upon the termination of the present contest. Some say that Santa Ana is in the field with an immense army and near the confines of Texas, others say since the conquest of St. Antonio by the Texians and the imprisonment of Genl. Cos and 1100 men of which you have no doubt heard, that Santa Ana has become intimidated for fear that the Texians will drive the war into his dominions and is now holding himself in readiness to fly to Europe which latter report I am inclined to discredit, what is the truth of the matter no one here knows or pretends to know.

Tell Mr. Smith not to think of remaining where he is but to be

ready to come to this country at the very moment the government shall be settled, as for a trifle he may procure a possession of land that will make a fortune for himself, his children and his children's children of its own increase in value and such a cotton country is not under the sun. I have just been introduced to Mr. McNiell a nephew of Mr. S. who is now in this place and appears to be much of a gentleman. Give my most kind affection to Amelia and Mr. Smith and to my own Dear Mary and James give a thousand tender embraces and for you my Dearest Martha may the smile of heaven keep you as happy as possible till we meet.

M. Autry.

Tell Brothers J. & S. I have not time to write to them at present as Mr. Madding and Sevier by whom I send this can not wait. Tell Brother Jack to think of nothing but coming here with us; that if he knew as much about this country as I already do he would not be kept from it. Tell him to study law as this will be the greatest country for that profession as soon as we have a government that ever was known.

M. A.

P. S. We stand guard of nights and night before last was mine to stand two hours during which the moon rose in all her mildness but splendor and majesty. With what pleasure did I contemplate that lovely orb chiefly because I recollected how often you and I had taken pleasure in standing in the door and contemplating her together. Indeed I imagined that you might be looking at her at the same time. Farewell Dear Martha.

M. A.

P. S. Col. Crockett has just joined our company.<sup>1</sup>

The following copy of a muster roll shows some of the companions with whom Autry left Nacogdoches.<sup>2</sup>

Know all men by these presents: That I have this day voluntarily enlisted myself in the Volunteer Auxiliary Corps, for and during the term of six months.

And I do solemnly swear that I will bear true allegiance to the provisional Government of Texas, or any future Government that may be hereafter declared, and that I will serve her honestly and faithfully against all her enemies whatsoever and observe and obey the orders of the Governor of Texas, the orders and decrees of the present and future authorities and the orders of the officers ap-

<sup>1</sup>This letter was addressed to Mrs. Martha W. Autry, Middleburg, Harde-man Cty., Tennessee.

<sup>2</sup>It is obtained from a copy in the General Land Office (Muster Rolls of the War with Mexico, p. 117). The original roll was destroyed by fire in the burning of the adjutant general's office in 1855.

pointed over me according to the rules and regulations for the government of the Armies of Texas. "So help me God."

Nacogdoches, January 14th 1836.

Names.	Age.	Remarks.
H. S. Kimble	31	Tennessee.
M. Autley [Autry] <sup>1</sup>	43	Tennessee.
J. P. Bailey	24	Kentucky.
Daniel W. Cloud	21	Kentucky.
W. J. Lewis	28	Pennsylvania.
Wm. H. Furtleroy	22	Kentucky.
B. M. Thomas	18	Tennessee.
R. L. Stockton	18	Virginia.
Robert Bowen	24	Tennessee.
J. E. Massie	24	Tennessee.
Wm. McDowelly	40	Tennessee.
John P. Reynolds	29	Tennessee.
Joseph Bayliss	28	Tennessee.

The above sworn to and subscribed before me, this 14th January, 1836.

John Forbes

1st Judge of the Municipality of Nacogdoches.

It would be very interesting to know how this little party of patriots marched to San Antonio. But history is as yet silent upon that point. From a letter written from Bexar on February 11, 1836, by G. B. Jameson we learn that the Texans had on that date at Bexar one hundred and fifty men, and that Colonels Crockett and Travis were there, and that Colonel Bowie was in command of the volunteers. It is probable that Autry and his companions arrived at about the same time as Crockett, and that within the space of about twenty-five days they had traversed that wide area of almost uninhabited territory which separated Nacogdoches from their destination. Did the Tennesseans do as Major Autry suggested they might: "join together and buy a waggon for their baggage" and march on foot that long distance, or were they fortunate enough to get horses? They had enlisted at Nacogdoches in the Volunteer Auxiliary Corps for six months and had sworn

<sup>1</sup>Partly on the evidence of this muster roll the heirs of Autry were granted a land donation. This name was thought to be a copyist's mistake for "Autry." The age, "43," does not agree with the statement above that he was born in 1794 or 1795, but that statement purports to give only an approximate date.—EDITORS OF THE QUARTERLY.

allegiance to the government of Texas and to EACH OTHER. Right nobly did they keep their word! The copy of this muster roll contains the last mention of the devoted band until the names of all but three of them were inscribed on the imperishable roll of history as heroes of the Alamo. The interval between January 14 and March 6, 1836, was full of tragedy for them. The long, tortuous, muddy, often almost impassable trail, called at the time the "old San Antonio road," no doubt received its heavy toll of death, and the graves of many brave men lie unknown and unmarked along its length. Probably the three who did not have the privilege of dying with their comrades in the Alamo, laid down their lives by the roadside, and their sacrifice will remain unrecorded and unsung.

There is in Micajah Autry's family a brief note written by Nat G. Smith to Mrs. Amelia W. Smith, in response to her anxious inquiries as to the fate of her stepfather. It bears no date, but was probably written in April or May of 1836. It reads as follows:

Dear Sister:

In reply to your inquiries, I went to the Tavern as soon as I understood the stage had arrived with passengers from Texas, and found Col. Thomas K. Hill of Columbia, surrounded by a crowd, all asking after friends etc. I passed through to him and got an introduction and asked him if he knew Maj. Autry personally; he replied he did not. I asked him if he thought he was certainly killed; he said he had no doubt of it. Mr. Henderson, who accompanied Col. Hill, said, there was no doubt of Maj. Autry's death, he also stated that young Mr. Haskell was certainly killed with Fanning, and that his brother young Mr. Henderson and Mr. Jones would both be at home in a few days (there were two young Hendersons). My informant stated they had conversed with a Mrs. Travis and the servants,<sup>1</sup> and it all was confirmed. None of them surrendered they fought to the last.

Yours &c

Nat G. Smith.

The absence of a regular mail service from Texas to the United States made the arrival of passengers in the stage an event of the

<sup>1</sup>The reference to Mrs. Travis and the servants is probably a mistake; it is likely that he means Mrs. Dickinson and Travis's negro servant who were spared by Santa Anna and brought to the Texans the first authentic news of the fall of the Alamo.

utmost importance. Letters were usually transmitted by the favor of passengers, and news from Texas was eagerly awaited at every town through which they passed. Rumor had preceded any authentic statements as to the result of the battles in which the brave volunteers had been engaged, and their friends looked forward hopefully to a possible contradiction of the terrible news so widely spread.

Mrs. Mary Autry Greer in writing her recollections of her father, and of the relatives with whom her mother and children were living says:

We lived with them till the awful news of father's death came to us one lovely April morning, when snowy white dogwood blossoms and the red bud trees spotted the tender green of the forest that surrounded the house. My little playmate and I were striving to gather the lovely white and pink flowers by throwing up sticks for them, when a voice near us said to me: "You must come to the house. Your father has been killed, and your mother half dead with the news." Breathless I ran, and was greeted with choking sobs as she tried to tell me the tragic news. Father's last letter, (we have it still,) was from Nacogdoches. His companion en route was the celebrated Tennessee orator, Davy Crockett, who proved in deeds his famous motto: "Be sure you are right, then go ahead!" They fell near each other in the sublime holocaust of the Alamo. Neither of them, I think, anticipated war, but instantly volunteered, and were sent by the overland road to the defence of the Alamo. We all know this incomparable, splendid deed of heroism. Little knew the bloody Santa Anna that as the smoke cleared and the ashes of the martyrs were blown hither and thither the radiant Lone Star arose to its place in the blue sky, and consecrated their memories forever. A few weeks later the splendid victory of San Jacinto was won by Houston, and his brave handful of soldiers. My father knew Houston well and voted for him when he ran for Governor of Tennessee.

My father was of a joyous nature and among my earliest recollections is his singing, in a rich mellow voice, as he ran down the piazza steps, "Hurrah! Hurrah! For the Good Old North State Forever!" a song written by Governor Gaston of North Carolina.

Father had a fine ear for music, played well on the violin, and sketched striking pictures. I think he had taste and aptitude for art, but neither studied nor prosecuted it. He also wrote poetry, but I have only one of his little poems.

He was a man in word and deed, in action as well as profession. "Peace to his memory," says his one surviving child, and I

believe that the millions that now claim Texas, beautiful Texas, as home will answer, Amen!

Micajah Autry left one son, James L. Autry, who became a colonel in the Confederate army, and was killed in his first battle, that of Murfreesboro, Tennessee. He was survived by a baby boy, now Judge James L. Autry, general attorney of the Texas Company, of Houston, Texas.

Mary, the only surviving child of Micajah Autry, now in her eighty-fifth year, was married to James Madison Greer on December 22, 1841, and had four sons, all of whom are living, and all of whom are lawyers. Their names and places of residence are as follows: James Micajah Greer, of Memphis, Tennessee; Hal Wyche Greer, Robert Autry Greer, and D. Edward Greer, of Beaumont, Texas. With them their mother makes her home. Writing on August 15, 1910, she says: "God has been good to me in that none of my descendants have died, even to the fourth generation, and all are apparently in good health up to this date."

Besides enjoying the distinction of being the daughter of an Alamo hero, probably the only woman now living who is so distinguished, she possesses talent of a high order. As a writer of history and verse, especially verse inspired by patriotic feeling, she is well known, and has attained prominence of a character that will endure. On one of the closing pages (924) of the Second Volume of the Life of Jefferson Davis, "A Memoir, written by his wife," are to be found some of the finest lines which the grandeur of his character, and the depth of his misfortunes called forth. They were written by Mrs. Mary A. Greer, then living in Mississippi, and are a graceful summing up of the causes of his failure. They also show in admirable form the grasp of mind which characterizes the writer who was born and trained to love and admire heroic virtues.

WILLIAM T. MALONE<sup>1</sup>

G. A. MCCALL

The siege of the Alamo, its heroic defense, and the massacre of its valiant defenders are among the most notable events of Texas history. The incidents of the siege continue to arouse the most intense interest among all lovers of great deeds and heroic achievements. That "Thermopylae had its messenger of defeat but the Alamo had none" has become the pride not only of Texans, but of the whole English race as well. That these men, one hundred and eighty in number, should place themselves in the path of Santa Anna's army to stay his advance until an opposing force could be collected shows them to have been quite as devoted to their country and its preservation as were Leonidas and his Spartan band in the brave days of old. Any particulars concerning the life and death of any of the garrison of the Alamo will be of interest to all.

In 1835 there lived near Athens, Georgia, a planter by the name of Thomas Malone. His family was originally from Virginia. He had accumulated at this time quite a considerable fortune and was the father of several children. The oldest of these children, a young man with dark hair and complexion, was about eighteen years old, and was named William T. Malone. William was inclined to be wild and wayward but his father was a man of strict habits, looking upon dissipation with no lenient eye. One night the boy got too much in his cups with some of his convivial companions, and being ashamed to face his father after the spree, he fled from home, going to New Orleans, Louisiana. His father, anxious to save him hastened to New Orleans, trying to overtake him and to beg him to return to his sorrowing mother and family. When he reached the city his son had already gone, having taken passage on a boat for Texas. The father returned to the sorrow-

<sup>1</sup>The facts of this sketch are obtained from the record of the case of *Malone et al. v. Moran et al.*, number 3644, on file in the district court of Parker county, Texas. The suit was filed November 4, 1899, and judgment was rendered April 13, 1901. Information is drawn chiefly from depositions of Mrs. Frank Malone, who then resided near Memphis, Tennessee, Ben F. Highsmith, who then lived in Uvalde county, Texas, and Professor F. P. Madden, who lived in Waco, Texas. All are now dead.

stricken household and reported his failure. The exact date when the young man left his home can not be discovered but it appears to have been some time in the fall or winter of 1835. After William T. Malone had arrived in Texas he wrote one letter to his mother which family tradition says she carried on her person until it was worn out.

In the fall of 1835 San Antonio was besieged and in December it was captured from the Mexicans by a portion of the Texan army under the command of Colonel Milam. An incomplete muster roll on file in the General Land Office shows that on November 23 Malone was a member of Captain T. F. L. Parrott's company of artillery, but whether he was with Milam in the storming of the Alamo is uncertain.

On the second day after the beginning of the siege of the Alamo by the Mexicans Colonel Travis sent Ben F. Highsmith to La Bahia, a distance of more than ninety miles, to Colonel Fannin, asking for aid. Highsmith says that when he left San Antonio there was in the Alamo a young man by the name of Bill Malone, and his description of the young man's person and estimate of his age correspond with the description given by the family. They both speak of the young man's having lost the little finger on his left hand. Highsmith escaped from San Antonio at night, and carried the message from Travis to Fannin. Fannin was unable to send aid to Travis, stating that his command was on foot and without supplies to undertake the expedition. Thereupon Highsmith returned to San Antonio and from a distance saw that the Alamo was surrounded. He turned back and sought and found Houston and his army and later participated in the battle of San Jacinto. The Alamo, after a desperate defense of two weeks was stormed and all persons within its walls were slain except the negro man belonging to Colonel Travis, and Mrs. Dickinson and her infant child.

After the war was over, the father of young Malone sent an agent to Texas to learn the fate of his son. This person saw both the negro who had belonged to Travis, and Mrs. Dickinson, and they both said that there was a young man in the Alamo by the name of Malone, and Mrs. Dickinson said that she saw him die, fighting bravely to the last.

It appears that land certificates were issued to the heirs of Wil-

liam T. Malone for services rendered to the Republic of Texas by him. These certificates declare that he was killed in the defense of the Alamo.<sup>1</sup> They were taken back or sent back to his mother, and she declared in her grief that she would not have them, for they were bought with the price of her son's blood.

The last inexplicable fact remains; notwithstanding that all these facts appear to be well established, yet the name of William T. Malone never seems to have been on the original muster rolls of the men who fought and fell at the Alamo, nor upon the copy of the rolls that yet remains in the Land Office, nor upon the monument that perpetuates the names and fame of the heroic dead. Was his name upon the original muster rolls that were destroyed in the burning of the Adjutant General's office before the Civil War?<sup>2</sup> Was his name casually omitted from the copy of the rolls that chanced to be preserved from the fire? Or did Malone fight like Smith of the Wynd "with a free hand, belonging to no company or clan"? Did he arrive at the Alamo just in time to enter its fatal walls? Crockett came to the Alamo almost alone. Did Malone come in the same way? Mrs. Dickinson says that he had been there but a short time and belonged to the same mess as her husband. By some mischance his name has not been preserved on roll or monument, but let it be placed forever in the historical records of Texas. Let not the name of the wayward but heroic young man be forgotten.

<sup>1</sup>The records of the Land Office show that headright certificate No. 274 for a league and labor of land was issued February 2, 1838, to Elijah Anderson, assignee of William T. Malone, by the land commissioners of San Augustine County in consideration of Malone's having arrived in Texas previous to the declaration of independence; that bounty warrant No. 4005 for 1920 acres was issued by the Secretary of War to the heirs of Malone July 5, 1838, for his services in the Texas Army from September 26, 1835, to March 6, 1836; that donation warrant No. 420 for 640 acres was issued to his heirs by the Secretary of War July 6, 1838, for his having fallen in the Alamo; and that duplicate No. 29/236 was issued by the Commissioner of the General Land Office March 29, 1871, in place of a lost original headright certificate for one-third of a league issued by the land commissioners of Harris county in the name of Malone. The date and number of this lost original are not known. The "Lost Book of Harris," in the Land Office, shows that evidence was furnished the commissioners of Harris county to the effect that Malone was killed in the Alamo. The information contained in this note was kindly furnished by the Commissioner of the General Land Office.

<sup>2</sup>This fire occurred October 10, 1853.

## NOTES AND FRAGMENTS

MAJOR JOHN TYLER'S "MEMORIAL" AGAIN.—Since publishing in the October QUARTERLY the memorial of Major John Tyler, Jr., to the Texas authorities in 1863,<sup>1</sup> I have found that he subsequently published in *De Bow's Review*,—July, 1864, pp. 1-33, a rare number—an article entitled "Our Present Confederate Status, Foreign and Domestic" in which he refers to the exposition made by himself "fourteen months before"—evidently in the *Richmond Whig*, not in *De Bow* as I was led to think—of the diplomatic situation in Europe, and in which he renews the argument made to the Texas authorities concerning the possibilities of French intervention on the basis of the Louisiana treaty of 1803. He quotes here a considerable part of his memorial, evidently in the belief that the scheme is still feasible. This article makes it almost certain that this plan to secure intervention was Major Tyler's own, for there is a very evident and direct connection between the article in the *Richmond Whig*, the memorial to the Texas officials in 1863, and the article in *De Bow* in 1864. Moreover, in the last one Tyler discusses the idea as if he alone were responsible for it.

This theory is further strengthened by the character of another proposition advanced in his contribution to *De Bow*. The lively imagination of the Major had seized upon the magnificent possibilities of a bran-new scheme to save the Confederacy. Drawing a vivid picture of the jealousy entertained by the middle and northwestern states for New England, he gravely proposes an alliance or "reconstruction" between these states and those in the Confederacy to the end that they should shut the intriguing New Englanders out in the cold, frustrate the imperial designs of the leaders of the Republican party, and bring about the trial and conviction of Lincoln, Seward, *et al.* for treason to the Constitution. One is amazed that so acute an observer as Major Tyler manifestly was could so far miss the real significance of what he saw.

CHARLES W. RAMSDELL.

<sup>1</sup>*Supra*, pp. 129-145.

## SOME MEMORIAL LEGISLATION BY THE THIRTY-SECOND LEGISLATURE—

1. *Monument to Stephen F. Austin*: Among the first measures introduced in the House of Representatives of the Thirty-second Legislature was a bill by Hon. A. T. McKinney "to provide for the erection of a monument over the remains of General Stephen F. Austin, in the State Cemetery at Austin, Texas."<sup>1</sup> The bill, carrying an appropriation of \$10,000 for this purpose, was passed by the Legislature and approved by the Governor.

2. *Monument to Mrs. Elizabeth Crockett*: Senators Lattimore and Ward introduced a bill in the Senate "to provide for the erection of a monument over the remains of Mrs. Elizabeth Crockett, the wife of David Crockett, in the cemetery at Acton, Hood county, Texas." This bill carried an appropriation of \$2,000 and has received the Governor's approval.

The following extracts from Senator Ward's address in support of this bill give a brief history of the family of David Crockett after his death at the Alamo:

*Mr. President and Gentlemen of the Senate:*

Possibly it may not be out of place for me to explain to this Senate why I am one of the proponents of this measure, asking for an appropriation of \$2000 for the erection of a suitable monument to the memory of Mrs. Elizabeth Crockett, the wife of Col. David Crockett, one of the heroes who sacrificed his life at the Alamo. I will say that I was a student of Texas history when a schoolboy. I remember well when I entered Granbury College in the fall of 1880, and it was there I learned that one of Granbury's citizens, Robert Patton Crockett, was the son of David Crockett. Naturally I felt like making his acquaintance and I found him residing near the banks of the Brazos river, manager and keeper of the toll bridge that spans the river, and I would often visit him, seeing that he was ready, and that it was a great pleasure for him to entertain college boys; he would relate many incidents of his father's career as he had learned them when a boy. . . .

It may not be out of place for me to state here some history of the family of David Crockett that I obtained from the many talks that I have had with the son, Robert Patton Crockett, and his children, the grandchildren of David Crockett. His grandchildren, viz.: Mrs. M. M. Parks and Mrs. T. H. Hiner now reside in Hood county; Mr. Ashley W. Crockett resides in Glen Rose, Somervell county, and a granddaughter, Miss Dolly, is married and lives in

<sup>1</sup>For an account of the removal of the remains of Stephen F. Austin from Peach Point to the State Cemetery, see page 182 above.

Oklahoma. Her name I can not call at this time. These grandchildren, like the children of Sam Houston, are modest and have never asked the State to erect a monument to their heroic ancestors, but the proud spirit they have so richly inherited will make them appreciate the erection of this monument.

David Crockett was married to Miss Elizabeth Patton in Lawrence county, Tennessee, about the year 1815. Their first child, Robert Patton Crockett, was born September 8, 1816, and he is the father of the children I have just mentioned.

Elizabeth Crockett came to Texas in 1854 with her son, Robert Patton Crockett, from Gibson county, Tennessee. They located on the David Crockett headright, a league of land patented to Elizabeth Crockett by the Republic of Texas as the surviving widow of David Crockett, which was situated between Rucker and Long Creeks in Johnson (now Hood) county. She lived with her son, Robert Patton Crockett, in his rude log cabin in Johnson county until 1860, when death claimed her. She was buried in the Acton cemetery on Walnut Creek, some five miles south of their home, and about six miles east of Granbury, and now a mound and stone slab mark her resting place.

Immediately after the fall of the Alamo in 1836 and the death of his father, David Crockett, Robert Patton Crockett left his home, came to Texas and joined the revolution, remaining in the service until the Independence of Texas had been secured. He returned to Tennessee in 1841, where he was married. In 1854, as I have stated, he moved his family to Texas, bringing his mother with him, locating at the place I have just mentioned. Robert Patton Crockett died in Hood county, September 23, 1889, aged 73 years and eight days. He was also buried in the same lot of land in the Acton cemetery.

I have a plat before me showing the present location of the graves of Elizabeth Crockett, wife of David Crockett, and their son, Robert Patton Crockett, as they appear in the Acton cemetery. The graves are all in the same lot. The first on the north is Robert Patton Crockett, the middle grave is that of his wife, Matilda Crockett, while the one on the south is Elizabeth Crockett. Acton is a beautiful little village, and was one of the first settlements west of the Trinity river, settled by people from the different Southern States, and here they shared in the upbuilding of that section of our State. But the old settlers have passed over the river and left behind them the children and grandchildren who now constitute a citizenship who are proud and patriotic in their nature, and they, too, will be stimulated in their patriotism to see erected a monument to the memory of the illustrious dead, who sleep in the Acton cemetery to await the Resurrection morn.

E. W. WINKLER.

THE BUTLER PAPERS AND A SUPPLEMENT TO THE AUSTIN PAPERS.—Some years ago Colonel Guy M. Bryan, the nephew of Stephen F. Austin, gave the University of Texas the Austin Papers. This rich collection contains the history, as yet unwritten, of the Anglo-American colonization of Texas. Now Mr. Guy M. Bryan, Jr., of Houston, and Mrs. Emmett L. Perry, of Bay City, have increased the obligation of the University to their family by another gift. This consists of certain papers of their great-uncle which were not included in the former gift, of the papers of Colonel Anthony Butler, who was chargé d'affaires of the United States at the City of Mexico from 1829 to 1836, and of many rare books, pamphlets, magazines, newspapers, and clippings which deal with the history of Texas.

The additional Austin papers are: a bound account book, covering the years 1825 to 1836, with many of the entries—some of which are of considerable historical and biographical importance—in Austin's own writing; an unbound book of about one hundred pages containing field notes of surveys in Austin's colonies; and fourteen plats of various portions of Austin's several colonies. The Butler Papers may be divided roughly into two classes: (1) diplomatic correspondence, and (2) personal papers. In the diplomatic correspondence there are many dispatches from the State Department at Washington, signed by Secretaries Van Buren, McLane, and Forsyth; copies of many of Butler's notes to the State Department; correspondence between Butler and the Mexican Foreign Office; and finally a number of autograph letters from President Andrew Jackson to Butler. Most of the diplomatic correspondence is prior to 1834. Copies of substantially all of the correspondence with the State Department are to be found at Washington in the department archives and at Mexico in the records of the American Embassy, and copies of the correspondence between Butler and the Mexican Foreign Office are likewise to be had in the Embassy records; but it goes without saying that the possession of autograph copies is of great importance to the University. Perhaps the most valuable documents are the letters of President Jackson. There are nineteen of them, all dealing with the question of the purchase of Texas from Mexico by the United States. There are copies of some of them in the Jackson Manuscripts in the Library of Congress, but some of

them appear to be unique. The personal papers give us many important glimpses into the history of Texas and of the United States from 1828 to 1846. Among them are letters from Joel R. Poinsett, General Zachary Taylor, Lucas Alamán, and from many interesting Texas characters of whom we do not know too much, for example Ben Fort Smith and Padre Muldoon. The letters from Poinsett, of which there are thirteen discuss chiefly general political news, with some emphasis on the secession of South Carolina.

Among the books are the original edition of the *Laws and decrees of Coahuila and Texas* (1838), the *Journals of the General Council* (1835-1836), the *House Journals* of the first, second, third, and fifth congresses of Texas, the *Journal and Debates of the Constitutional Convention of 1845*, the *Ordinances of the Secession Convention* (1861), thirteen volumes of the *Texas Almanac*, a file of the *Proceedings of the Texas Veterans' Association*, and a number of valuable pamphlets. Among the newspapers are scattering numbers of *The Texas Republican* extending from February to November, 1835, many numbers of *The Telegraph and Texas Register* extending from October, 1835, to 1841, some numbers of *The Brazos Courier* for 1840, and of the *San Luis Advocate* for 1841. Besides these, there are a great many clippings containing historical material.

EUGENE C. BARKER.

---

ABNER S. McDONALD.—The letters which follow are from the *Daily Eastern Argus* (of Portland, Maine), December 24, 1910. They were reprinted by *The Dallas News*, January 8, 1911, and their historical value justifies their preservation in THE QUARTERLY.

Prison House, Columbia, Texas,  
July 19, 1836.

My Dear Brother:

No doubt my long silence caused anxious feelings with you and the balance of my friends at home. My situation has been such it was utterly impossible for me to give you any information concerning myself. After arriving in this country I joined myself with the army of Texas and was soon ordered on the frontier of the country. In this situation I was so unfortunate as to be taken prisoner by the Mexican Army with 75 others of my unfortunate countrymen. Our captors marched us to Goliad, where we found

a large number of other prisoners that had been taken a few days previous to our surrender. We had not been in this situation many days before orders arrived for all prisoners at Goliad to be shot, but through the humanity of the officer commanding this garrison we (I mean the battalion under the command of W. P. Miller) were spared by his disobeying the above order, while 415 of my fellow countrymen were executed at sunrise on Sunday, March 27. This was an awful day to me; never shall I forget it or the night previous. I thought of home, how my friends would receive the news of a brother being executed in a strange land as a pirate; but through the goodness of God I was spared, but was still kept a prisoner of war until the 19th of May when with 25 others we made our escape by seizing the guard placed over us and disarming them. The balance of the prisoners could have escaped also if they had made the attempt, but poor fellows they let the opportunity pass without effecting their object. Where they now are I am unable to say, probably made slaves of ere this in Mexico. After getting clear of danger of the Mexicans we made all possible speed to the Texan Army, which we labored under a good deal of discouraging circumstances; we were ignorant of the situation of our own army; we also had to pass through a country full of Indians that were enemies to us; we were without arms, without provision, and were obliged to subsist on grass and nuts that we found in the woods. We however reached the army on the 25th of May, seven days after our escape from the enemies' prison. Thus you will perceive that a soldier's life is not so pleasant at such times.

After joining the army again I was elected a captain of a volunteer company composed principally of those who made their escape with me. I was then in a few days ordered to this place to take charge of Gen. Santa Anna, who is our prisoner. Since having this important personage entrusted to my keeping I have not had time to write you or even think of home; such is the excitement against Gen. Santa Anna the inhabitants of the country are determined that he shall never leave Texas alive; therefore it requires every attention for his safe keeping. Since I have had charge of him there has been two attempts to kill him, but without success.

I have just received orders to take to the army Gen. Santa Anna, for a purpose I do not know, but am fearful that it is for no good. My health is good.

Your affect. Brother,

Abner S. McDonald.

It will be needless for you to write to me as it will be altogether uncertain where I shall be ordered to, and we also have to depend upon private conveyance.

New [Near?] Columbia, March 11, 1838.

Bro. John:

Yours and sister Miriam's letters were duly rec'd and with pleasure I hear of the good health of friends at home. I have just returned from a long and tedious tour to San Antonio de Bexar with good health but rather low spirits. I have not had the success which I anticipated owing to the false report that the Mexicans were about to make another invasion upon Texas. The same report has gone its rounds through the papers of the United States which you probably have seen. To give you a full account of my journey to San Antonio would be more than would justify the contents of one letter. I will therefore give you the most prominent incidents that occurred. I left this place in Nov. last with \$4500 worth of goods, of different kinds for the Mexican trade. I had not proceeded but six days before I met the above report of the Mexican invasion. I immediately changed my course for the timberland where I secreted my goods in the woods and left them in charge of a part of my men whom I had employed to assist me on my intended journey. I then mounted my horse in company with two other men for the purpose of ascertaining the correctness of said report. After scouring the country for nearly two weeks, we could not gain any information that could be relied upon. I determined to return back to the place and wait for the event. When I returned to where my goods were secreted what was my surprise to find that my men that I left to take care of my property had not only deserted them, but had broken open my trunks and boxes and stolen some of the most valuable articles I had. It now being winter, the cold northern winds had driven my oxen into the Bottom and my goods were exposed to all the wet weather which damaged them greatly. What to do I did not know—my goods exposed and spoiling, my oxen lost in the Bottom, and myself nearly worried out from fatigue, etc., and about 60 miles from the American settlement. I however came into the settlement and employed some teams to take what property I had left back to this place.

My loss will be considerable. I can not tell the amount until I find sale for balance of my goods which nearly all of them are damaged more or less. The foundation of the report is this: About 400 of the Mexican cavalry had come over the Rio Grande for the purpose of driving off the property of Mexican citizens in Texas. Thus we see the uncertainty of things in this world; six months ago my prospects were good, but now the scale has turned. I am now determined as soon as I get through with my present difficulties to quit this roving and speculating business. It is true if I could have been fortunate enough to have got to San Antonio with the amount of goods that I had at the time, I could have returned home to my friends and lived the balance of my days with ease.

I attended a Sabbath school meet a few weeks since at the Capitol in Houston. The meeting was well attended and was addressed by Gen. Thomas J. Rusk, late commander of Texian Army, and also by Dr. Rouse, Speaker of the House of Representatives. Both of these gentlemen are leading characters in Texas and take a very active part in organizing said school. There are also three houses of worship now erecting within the Republic. This speaks volumes in favor of Texas. I believe the day will soon arrive when we shall not only have Sabbath schools and houses of worship, but a population that fears the Lord.

The immigration to this country is great. Our population within the last six months has more than doubled and business of all kinds is good, but the currency of the country is quite bad. The government has commenced paying notes which have taken the place of bills in the different banks of the United States, and consequently all our money at present is government notes.

Your aff't Bro.,

Abner S. McDonald.

*The Argus* gives the following sketch of Captain McDonald, which the Editors have not verified:

"The writer of the letters was a native of Limerick, Maine, and was educated at Limerick Academy. He was but a young man at the time of his career in Texas, the date of his birth being August 5, 1808, which made him 27 when the first letter was written. He was well equipped to participate in the martial enterprise of the citizens of Texas for the establishment of a republic, as when he left his native state in quest of fortune he held the rank of lieutenant colonel of the State Militia, of which his father was major general.

"The young man served with distinction throughout the entire war, and, after the restoration of peace and the realization of Texas' ambition to be free and untrammled he figured prominently in the Republic's affairs, being a member of the Legislature, one of its jurists and chief executive of his own local community.

"The young man continued his connection with the military department of the Republic of Texas, and at the time of his death in 1842 was in command of a force on the frontier with the rank of colonel. His death was accidental, a spent ball which a soldier had discharged at a steer inflicting a mortal wound in the person of the unhappy fellow's commander."

BIBLIOGRAPHY OF PROFESSOR GARRISON.—The list of Professor Garrison's writings published in THE QUARTERLY, XIV, 180-181, failed to indicate with sufficient definiteness the whereabouts of the articles on "Guy Morrison Bryan" and "Richard Montgomery Swearingen." The first is in THE QUARTERLY, V, 121-136; and the second is in THE QUARTERLY, VIII, 225-231. To the list should be added his sketch of General Sam Houston in *Library of Southern Literature*, VI, 2561-2564.

---

TEXAS LIBRARY AND HISTORICAL COMMISSION.—The personnel of the Texas Library and Historical Commission now consists of Mrs. Joseph B. Dibrell, Mrs. Joseph D. Sayers, Walter Tips, F. M. Bralley, and Eugene C. Barker. At a meeting held February 2d the Commission organized by electing Dr. Barker, Chairman, and Mrs. Dibrell, Vice-Chairman. The former staff of the State Library was re-elected.

## BOOK REVIEWS AND NOTICES

*British Interests and Activities in Texas, 1838-1846* (The Albert Shaw Lectures on Diplomatic History, 1909). By Ephraim Douglass Adams, Ph. D. (Baltimore: The Johns Hopkins Press. 1910. Pp. VIII, 267).<sup>1</sup>

Confining himself rigidly to the scope of his title, and using almost exclusively the manuscript materials in the Public Record Office, Professor Adams traces in great detail the shifting policy of Great Britain toward the Republic of Texas. Briefly that policy was this. So long as Palmerston directed the Foreign Office a steady faith in the destiny of Texas manifested itself in gentle but persistent pressure upon Mexico to relinquish its claims to the province, and culminated in November, 1840, in the signature of a series of treaties by Palmerston and Hamilton (the Texan plenipotentiary) which gave British recognition to Texas. When, however, the fall of the Melbourne ministry in August, 1841, placed Lord Aberdeen in charge of foreign affairs, it might almost be said that caprice was substituted for policy in Anglo-Texan relations. Aberdeen acted as a veritable weather vane, more than once having two sets of contradictory instructions to his agents crossing the Atlantic at the same time (see especially p. 184). At first he reversed Palmerston's policy and encouraged Mexico in the hope of eventually reconquering Texas, even going the length of infringing upon strict neutrality in permitting Mexico to equip two men-of-war in England and enlist officers for them from Her Majesty's navy. Toward the end of 1842 he began to withdraw this encouragement; but as late as the close of 1843 he put little faith in the stability and importance of Texas, or in the rumors that the United States was seriously contemplating its annexation. From this restful confidence that all was right he was rudely shocked by President Tyler's message of December, 1843, and stirred to vigorous action. Overtures were made to France, and accepted by her, for a joint protest against annexation, only to be withheld as soon as Aberdeen learned from Pakenham, at Wash-

<sup>1</sup>This review is reprinted from the January number of *The American Journal of International Law*.

ington, of the strength of annexation sentiment in the United States. From this time on, British efforts to prevent annexation were limited to trying to persuade Mexico to recognize Texas on condition of its remaining independent.

Perhaps uppermost in the minds of most students of the Texas question who read Professor Adams's book will be a sense of complaisant satisfaction that it leaves our previous conclusions upon the subject essentially unchanged. Nevertheless, the book is of distinct importance. Such a study had to be made from the British archives to settle certain doubts that have heretofore obtruded themselves into every examination of the subject; and Professor Adams has made his study with care. (1) Unquestionably one of the strongest motives influencing Northern annexationists was the belief that the United States must take Texas in order to prevent England from getting it. To what extent was this belief justified? (2) Equally strong in the South was the assurance that England wanted Texas, and added thereto was the fear that she would use her position there to direct a campaign for abolition against the Southern states. To what extent was there ground for this fear? Although the author holds no thesis and does not answer these questions categorically, his book will nevertheless probably tend to set them finally at rest: (1) England desired an independent Texas, and at one time Aberdeen was ready, jointly with France, to prevent annexation by war, if need be (pp. 159, 168); but there is no indication that the idea of incorporating the territory into the British Empire was ever seriously entertained by either Palmerton or Aberdeen. ((2) England was deeply interested in the abolition of slavery throughout the world, and Aberdeed did revolve in his mind tentative plans for effecting abolition in Texas; but in this procedure he was perfectly frank, and nothing is added to the exposition of his motives as presented in that portion of the Calhoun-Pakenham correspondence published in 1844. This is not to say, however, that there was no ground for American suspicions of British policy (p. 146).

While resolving these important doubts, Professor Adams raises anew the question of Houston's true attitude toward annexation, and plainly inclines to the belief that he sincerely desired to maintain the independent status of the Republic (pp. 131, 132, 135, 151, 161). But the evidence adduced goes equally well to

strengthen the conventional view that Houston was merely coquetting with England to stimulate the jealousy of the United States.

Of positive errors discoverable by this reviewer there are not many. But Santa Anna was not president of Mexico "in 1832 and again in 1835" (p. 65, note). He was elected in 1833 for a term of four years, ending March, 1837. On page 93 we are told of the "signing" of the Texan treaties in 1842, though what is meant is that ratifications were then exchanged. There seems to be some uncertainty concerning the origin of the so-called "Robinson armistice": on page 128 it is correctly said to have been suggested by J. W. Robinson, a Texan prisoner in Mexico, but on page 133 the statement is that "The plan had originated with Santa Anna." On the same page (133) the date of Elliot's receipt of Aberdeen's despatch should presumably read "Early in July" instead of June, since it was dated in London on June 3 (see p. 130, note 8). Anson Jones can hardly be said to have been a "prominent revolutionary leader" (p. 196). And the name of the French chargé to Texas was not "Savigny" (pp. 208, 209, 210, 215), but Saligny. One encounters here and there an apparent tendency to accept at face value the motives of diplomats as avowed by themselves, and on page 147 there are signs of a curious faith that if they do not always tell the truth they ought to. The compact style of the book, devoid of the explanatory matter which no doubt accompanied the lectures, makes it difficult reading, and sometimes leads the writer to the statement of important conclusions without revealing the process by which he reached them; for example, one doubts the assertion on page 159 that "Aberdeen was ready [in January, 1844] to go the length of a direct prohibition of annexation in case he found France acquiescent," until the evidence for this is later supplied (pp. 168-169) in Murphy's memorandum to Aberdeen of May 31. There is a final chapter of thirty pages, reprinted from *The American Historical Review*, on British interest in the annexation of California.

EUGENE C. BARKER.

---

*The Austin College Bulletin*, October, 1910, Volume II, Number 13, contains an article on the "Life and Work of Stephen F. Austin," by L. A. Wright, holder of the Stephen F. Austin Fellow-

ship in History and Political Science in Austin College. Mr. Wright has used to advantage such printed material as was available to him, but he has been hampered for want of the wealth of manuscript sources that are only to be obtained at Austin. He somewhat misinterprets Austin in saying that he "conditionally" advised a declaration of independence on November 29 and December 3, 1835 (page 27). Such an impression comes naturally perhaps from that portion of Austin's letter which Brown quotes (*History of Texas*, I, 411-413), but the letter in its entirety shows that Austin did not believe that the time had yet come for a declaration of independence. In the letter of December 3 he argues for a categorical declaration in favor of the constitution of 1824. Two interesting illustrations which the article contains are a picture of Stephen F. Austin at the age of twelve and a picture of the Austin coat of arms.

E. C. B.

---

*Hunter's Magazine*, devoted to "Frontier History, Border Tragedy, and Pioneer Achievement," is edited by John Warren Hunter, of San Angelo, Texas, and published by Marvin Hunter at Carlsbad, Texas. The fifth number of Volume I appeared in March. It promises to perform a useful service for the history of Texas.

---

The Biennial Report of the Commissioner of the General Land Office, 1908-1910, pp. 21-31, contains a sketch of the land system of Texas, and a brief account of the history of the Land Office.

## AFFAIRS OF THE ASSOCIATION

The fifteenth annual meeting of the Association was held in Room 33 of the University, Thursday, March 2, 1911. President A. W. Terrell narrated his recollections of General Sam Houston and Mr. E. W. Winkler read a paper describing the work of the Texas Library and Historical Commission during the past two years. Mr. Winkler's paper is in this number of *THE QUARTERLY*, and Judge Terrell's will appear later. Mrs. Adèle B. Looscan was on the program for a paper entitled "The Settlement and Early History of Harris County," but she was unable to be present at the meeting. She is writing a history of Harris county, which will later be published in *THE QUARTERLY*.

The following officers were elected at the close of the meeting: President, A. W. Terrell; Vice-Presidents, Beauregard Bryan, R. L. Batts, Milton J. Bliem, and Luther W. Clark; Recording Secretary and Librarian, E. C. Barker; Corresponding Secretary and Treasurer, C. W. Ramsdell; members of the executive council, Judge J. C. Townes and Mrs. Bride Neill Taylor.

About fifty members were elected. Mr. Charles S. Todd of Texarkana was elected a life member on account of his gift to the Association of *The South in the Building of the Nation*.

At a meeting of the Fellows of the Association Mr. William Edward Dunn was elected a Fellow, and the following publication committee was elected: A. W. Terrell (*ex officio*), E. C. Barker (*ex officio*), W. J. Battle, Z. T. Fulmore, and E. W. Winkler.

## TREASURER'S REPORT, MARCH 1, 1910, TO MARCH 1, 1911

*Receipts*

Membership dues.....	\$1,400	16	
Sale of <i>QUARTERLY</i> .....	24	65	
Sale of reprints.....	36	90	
Sale of binding.....	7	30	
Interest .....	198	45	
Advertising .....	28	00	
Miscellaneous .....	7	25	\$1,732 81
Cash assets as per last report.....			3,097 75
			<u>\$4,830 56</u>

*Expenditures*

Printing QUARTERLY.....	\$1,264	28	
Binding .....	70	95	
Reprints .....	87	17	
Reviews .....	24	00	
Clerical expenses.....	245	50	
Postage .....	171	05	
Stationery .....	44	25	
Commissions .....	27	00	
Refund .....	4	00	
Miscellaneous .....	231	41	\$2,169 61
			<hr/>
Cash assets March 1, 1911.....			2,660 95
			<hr/>
			\$4,830 56

CHAS. W. RAMSDELL,  
 Acting Treasurer.  
 H. Y. BENEDICT,  
 Auditor.

## INDEX TO VOLUME XIV

---

- Adaes, 239.  
 Adams, E. D., *British Interests and Activities in Texas*, reviewed, 337.  
 Affairs of the Association, 83, 170, 341.  
 Agricultural and Mechanical College fund during Reconstruction, 102, 106.  
 Alcalde, office of, 310.  
 Allen, John T., 120.  
 Allien, Frank B., 167.  
 Almazan, Juan Antonio Perez de, Captain of San Antonio, 226, 230.  
 Almonte, J. N., 48, 159, 280.  
 Amaya, Father Salvador de, 225.  
 Anderson, Bailey, 306.  
*Apache Relations in Texas, 1718-1750*, by William Edward Dunn, 198-274.  
 Apaches, the Flores campaign against, 203; ethnology of, 201; Father Massanet on, 203; before 1718, 203; tribal organization of, 221; numbers, 222; customs, 222; location of, 220, 264; request for a missionary, 258; meaning of the word "Apache," 263; peace ceremony in San Antonio, 260; tribes in Texas, 265.  
 April 6, 1830, law of, 31.  
 "Archive War," 124.  
 Ascencio, an Indian scout, 231.  
 Auditorial Board of 1866, 104.  
*Austin, city of from 1839 to 1865*, by A. W. Terrell, 113-28; selection of as site for capitol, 113; arrival of President Lamar in, 117.  
 Austin, John, 40.  
*Austin, Stephen F., release of from prison*, by Peter W. Grayson, 155-163; *Stephen F. Austin: A Memorial Address*, by A. W. Terrell, 182-197; on the Texas boundary, 282, 300; monument to, 329; sketch of by L. A. Wright, reviewed, 340.  
 Austin Papers, 331.  
 Autry, Micajah: A Soldier of the Alamo, by Adèle B. Looscan, 315-324.  
 Avery, Willis, 113.  
 Badgett, Jesse, 56.  
 Bahia, 239.  
 Barker, Eugene C., 298, 332.  
 Barr, Amelia E., 298.  
 Bee, Barnard E., 290.  
 Bell, Judge James H., 120.  
 Bennedict, H. Y., *George Pierce Garrison*, 173-181.  
 Bexar Resolutions, 55.  
 Biblioteca Hispano-Americana, 297.  
 Blount, William, 305.  
 Bodine, John, 306.  
 Bolton, H. E., *Records of the Mission of Nuestro Señora del Refugio*, 164.  
 Book Reviews: *Reconstruction in Texas*, 74; *History of Reconstruction in Louisiana*, 76; *For the Liberty of Texas*, 79; *Stories of the Great West*, 80; *The Texas Methodist Quarterly*, Vol. I, 81; *British Interests and Activities in Texas*, 337.  
 Boneo, Justo, Governor of Texas, 251.  
 Bonham, James B., 55.  
*Boundary, The Southwest, of Texas, 1821-1840*, by Thomas Maitland Marshall, 277-293; during the Spanish régime, 277; during Mexican rule, 279; during independence, 281; defined by the Texan Congress, 285.  
 Bowie, James, 56.  
 Bowie, the family, 300.  
 Bradburn, John Davis, 280.  
 Brazoria, prosperity of in 1830, 31.  
 Brazos, Department of created, 46.  
 Bridges, James, 306; Ross, 306.  
*British Interests and Activities in Texas*, by E. D. Adams, reviewed, 337.  
 Brooks, S. P., 298.  
 Brown, Henry S., 300.

- Brown, Hiram, 306.  
 Bryan, Guy M., Jr., 331.  
 Bullock, James W., 308.  
 Burleson, Ed., 117.  
 Burleson, Jake, 124.  
*Burnley, Albert Triplett*, by Martha A. Burnley, 150-154.  
 Burnley Papers, the, 302.  
 Bustamante, Father Francisco, 225.  
 Bustillo y Zevallos, Juan Antonio de, campaign of, 230.  
 Butler, Anthony, 331.  
 Butler Papers, the, 331.  
 Cabello, Governor Domingo, 220.  
 Cabellos Colorados, 240, 242, 245, 246, 248.  
 Call, Macon G., 305.  
 Canary Islanders, 225.  
 Caravajol, Joseph, 237.  
 Carter, Ben, 121; James, 309.  
 Cartwright, John, 306; Thomas, 306.  
 Chittenden, William A., 298.  
 Chumley, John, 306.  
 Coke, Richard, 88.  
 Coleman family, the, massacred by Indians, 123.  
 Consultation of 1835, the, 49.  
 Convention of 1833, the, 46.  
 Convention of Taxpayers, 95.  
 Cotton gins in early Texas, 306.  
 Cotton tax, the, during 1864-1867, 96.  
 Costales, Gabriel, Captain at La Bahia, 250.  
 Crockett, David, 299; sketch of his family, 329; Mrs. Elizabeth, monument to, 329; Robert Patton, 329.  
 Crime, punishment of, in early Texas, 33.  
 Dabney, Robert Louis, 299.  
 Daffan, Katie, 170.  
 Darlington, J. W., 117.  
 Davis, E. J., 88; E. K., 306; M. E. M., 299; Nathan, 305.  
*DeBow's Review*, 299.  
 Debt of Texas incurred during Civil War, 14; during Reconstruction, 103.  
 DeNormandie, Wm. P., 120.  
 Dorset, John, 306; Theodore, 306.  
 Dougherty, Brian, 305.  
 Dunlap, Richard, 288.  
 Dunn, William Edward, *Apache Relations in Texas, 1718-1750*, 198-274; 342.  
 Durham, George, 119.  
 Durham's Spring, 119.  
 Duval, Judge Thomas H., 120.  
 Eager, H. P., 299.  
 Eastline and Red River Railroad Company, subsidy for, 92.  
 Ebberly, Mrs. 124.  
 Edwards, Hayden, 280.  
 Emigrants to Texas, character of, 27.  
 Escandon, José de, 278.  
 Espinosa, Father, 201.  
 Evans, Ira H., 275.  
 Ficklin, J. R., 76.  
 Finances, of the State, during the Civil War, 1-23; during Reconstruction, 87-112.  
 Fleming, W. L., 74.  
 Flores, Gaspar, 56.  
 Flores, Captain Nicolás, 203, 206, 214, 216.  
 Fontaine, Rev. Edward, 113.  
 Franqués, Carlos de, Governor of Texas, 242.  
 Fredonian War, 306-308.  
 Frías, Father Francisco de, 241.  
 Frontier defence, expenditures for, 90, 104.  
 Fulmore, Z. T., *General Volney Erskine Howard*, 146-149.  
 Gaines, James, 305.  
 Gaitán, Father José Manuel, 165.  
 Galban, Juan, 242.  
 Galoway, Peter, 306.  
 Garrett, Milton, 305.  
 Garrison, George P., 79, 83, 170-171, 173-181, 299, 336.  
 Garza, Joseph Balentin de la, 229.  
 General Conneil, 51-55, 58-73.  
 Gibenrath, Manuel Frederick, 166-168.  
 Gonzalez, Father Joseph, 208, 213, 215.

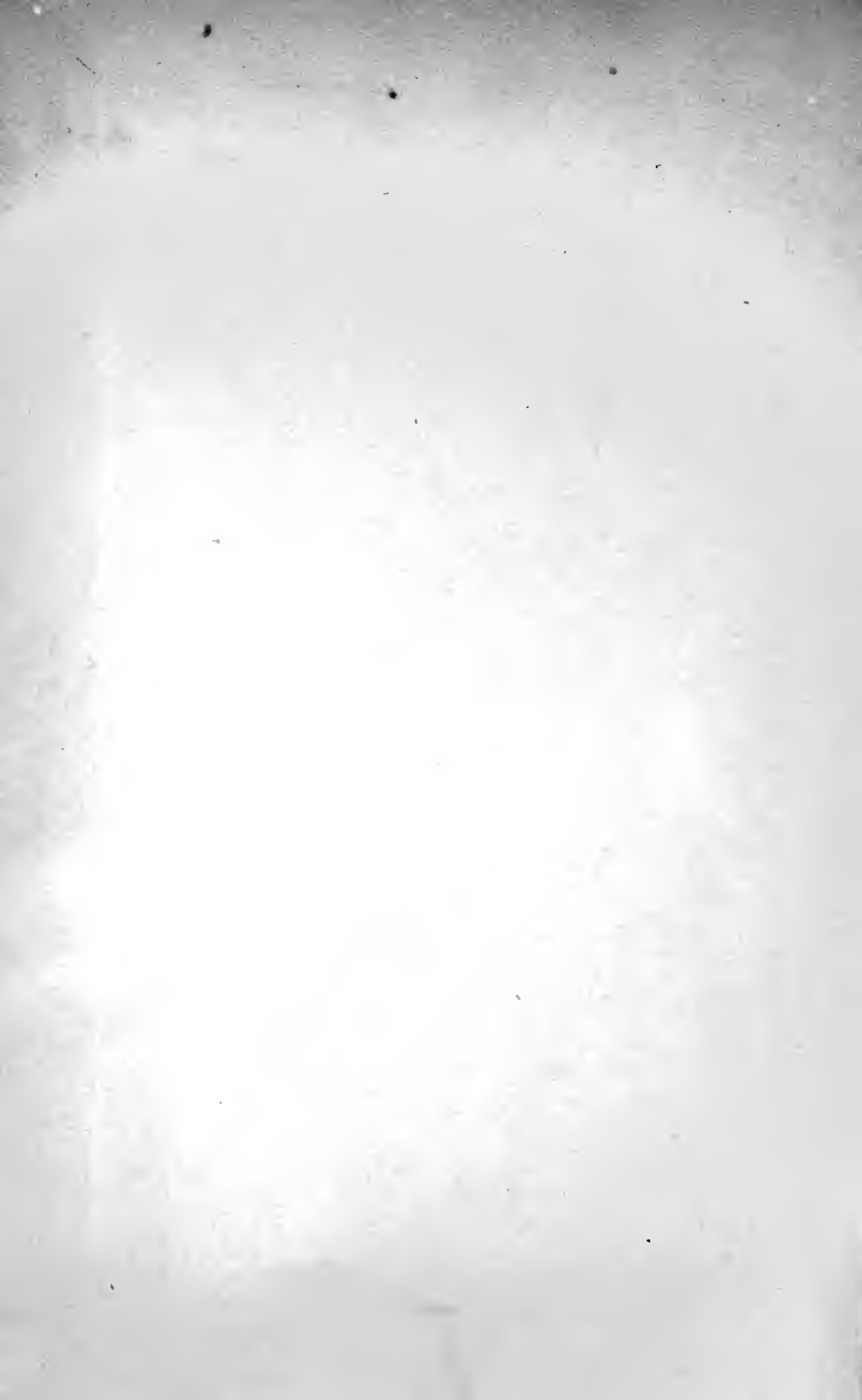
- Gonzalez, Antonio, 217.  
 Grainger, James M., 299.  
 Granger, General Gordon, 87.  
 Grayson, Peter W., letter describing trip to Mexico in interest of Stephen F. Austin, 155-163.  
 Greer, Hilton R., 299.  
 Guadalupe, Father Joseph de, 257.  
 Hakluyt Society Publications, 297.  
 Hamberlin, L. R., 299.  
 Hamilton, A. J., 87, 120; James, 291; Morgan, 119, 120.  
 Hancock, George, 119; John, 120.  
 Hanks, Horatio, 306; James, 306; Wyatt, 306.  
 "Harvey Cottage," the, 127.  
 Harrell, Jacob, 113.  
 Harris, Rev. William M., 299.  
 Hemphill, Judge John, 122.  
 Hendricks, Obadiah, 306.  
 Hidalgo, Father, 200, 213, 219.  
 Highsmith, Ben F., 326.  
 Hogg, J. S., 304.  
 Hooker, Katherine Gibenrath, 167.  
 Horton, A., autobiographical sketch of, 305-314.  
 Horton, A. C., 114.  
 Houston, Sam, 126, 299, 311.  
 Howard, General Volney E., 146-149, 275.  
 Hunt, Memucan, 300.  
*Hunter's Magazine*, 339.  
 Hutchinson, Judge Anderson, 302.  
 Hutson, C. W., 298.  
 Income Tax, during the Civil War, 96.  
 International Railroad Company, subsidy for, 91, 108.  
 Jack, Spencer, 158.  
 Jameson, G. B., 56.  
 Jennings, Thomas J., 121.  
 Johnson, Enoch, 127.  
 Johnston, Achilles, 306.  
 Johnston, Albert Sidney, 117, 123.  
 Jones, George, 306.  
 Jumanes, 268.  
 Kennedy's map, 280.  
 La Fora map, the, 278.  
 La Harpe, 279.  
 Lamar, M. B., 113, 299.  
 Lamar Papers, the, 24, 303.  
 Land speculation in Texas, 48.  
 Lane, Dr., 120.  
 Law, R. A., 299.  
 Lewes, Martha, 306.  
 Lewis, Mark, 125.  
 León, Father Antonio José de, 165.  
 Library and Historical Commission, The Texas, *Some Historical Activities of*, by E. W. Winkler, 294-304; origin of, 294; personnel of, 336.  
*Library of Southern Literature*, 298.  
*Life of A. Horton and Early Settlement of San Augustine County*, by A. Horton, 305-314.  
 Lindheimer, Ferdinand J., 300.  
 Lindsey, Ben, 306; Isaac, 306.  
 Loid [Loyd?], William, 306.  
 Lomax, John A., 168, 298.  
 Looscan, Adèle B., 166, 315.  
 Lout, John, 306.  
 Love, John G., 306.  
 McAllister, J. G., 299.  
 McCall, G. A., 325.  
 McDonald, Abner S., 332; Donald, 306.  
 McFarland, William, 310.  
 McGinnis, John, 306.  
 McHenry, Captain John, 300.  
 Madden, F. P., 325.  
 Maldonado, Xavier, 237.  
*Malone, William T.*, 325-327.  
 Marriage in early Texas, 30, 31, 34-37.  
 Marshall, Thomas Maitland, *The Southwest Boundary of Texas, 1821-1840*, 277-293.  
 Martinez, Felix, 229.  
 Massanet, Father, on the Apaches, 203.  
 Mayo, H. B., 280.  
 Mediavilla y Ascona, Governor, 230, 234.  
 Merrill, Nelson, 127.  
*Methodist Quarterly, the Texas*, 81.

- Micajah Autry: A Soldier of the Alamo*, by Mrs. Adèle B. Looscan, 315-324.
- Miller, E. T., 1, 87, 298; W. P., 333; Solomon, 306.
- Missions, 164, 224.
- Muldoon, Father, 34, 332.
- Murphy, Willis, 306.
- Nacogdoches, Department of, 46.
- Neu Braunfelser Zeitung*, 300.
- New Board (Military), 3.
- New Orleans Weekly Delta*, 299.
- Neill, J. C., 55.
- Noilin, John, 306.
- Notes and Fragments, Records of the Mission of Nuestro Señora del Refugio, 164; Manuel Frederick Gibenrath, 166; Folk Songs, 168; Major John Tyler's "Memorial," 328; Some Memorial Legislation of the Thirty-second Legislature, 329; The Butler Papers and a supplement to the Austin Papers, 331; Abner S. McDonald, 332; Professor Garrison's Bibliography, 336; The Texas Library and Historical Commission, 336.
- Old Board (Military), the, 3.
- Oldham, Judge W. S., 120, 300.
- Olivares, Father, 201.
- Ousley, Clarence, 299.
- Pacific Railroad Subsidy, 92.
- Padilla, J., 159.
- Parrott, T. F. L., 326.
- Pease, E. M., 120.
- Pelones, 267.
- Perez, Mateo, 214, 216.
- Perry, Mrs. Emmett L., 331.
- Peyton, Bailey, 117.
- Piedras, José de las, 308.
- Pita, Father Joseph, 206.
- Police, the State, 91.
- Prater, Stephen, 306.
- Public Buildings of the Republic of Texas, 118-119.
- Quirk, William, 306.
- Rabago y Therán, Pedro de, 253.
- Ramon, Domingo, 201.
- Ramsdell, Chas. W., 74, 76, 129, 298, 325.
- Reagan Papers, 303.
- Reconstruction, the State Finances of Texas during, 87-112.
- Red Hair, an Apache chief, 240, 242, 245, 246, 248.
- Reminiscences of Henry Smith*, 24-73.
- Renfroe, David, 306; Isaac, 306.
- Rice, James O., 113, 123.
- Rios, Domingo Teran de los, 200.
- Rivera, Pedro de, 224.
- Roberts, Elisha, 305.
- Rusk, T. J., 300.
- Saint Denis, Louis de, 201, 279, 300.
- Salary Tax, the, 97.
- Salvador, Father Amaya de, 225.
- San Antonio, fight with Apaches, 226; peace ceremony in, 260.
- San Antonio Herald*, the, 300.
- San Augustine County, Settlement of, 305-314.
- San Luis Advocate*, the, 332.
- Santa Ana, Father Benito de, 225, 251, 255.
- San Xavier, mission of, 254.
- School fund, during the Civil War, 18.
- Scurry, Richardson, 311.
- Seguin, J. N., 56.
- Sepulveda, Father Juan María, 165.
- Sevillano, Father Miguel de Paredes, 215, 224.
- Sevier, Mrs. Clara Driscoll, 298.
- Sherman, Sidney, 312.
- Sjolander, J. P., 299.
- Smith, Ben Fort, 332.
- Smith, Henry, *Reminiscences of*, 24-73; Commisario of Brazoria, 30; in battle of Velasco, 40; Alcalde of Brazoria, 45; Convention of 1833, 45; political chief of the Department of the Brazos, 46; names the Consultation of 1835, 49; on the General Council, 51, 58-73.
- Smith, Oliver, 166; Thomas, 124; William B., 299.
- Sneed, Thomas E., 121.

- Some Historical Activities of the Texas Library and Historical Commission*, by E. W. Winkler, 294-304.  
 Some Memorial Legislation of the Thirty-second Legislature, 329.  
*The South in the Building of the Nation*, 298.  
 Spencer, Thomas, 305.  
 Sprowl, John, 306.  
 Staples, Stephen, 280.  
 State Federation of Women's Literary Clubs, 294.  
*State Finances of Texas during the Civil War, the*, by E. T. Miller, 1-23.  
*State Finances of Texas during the Reconstruction, the*, by E. T. Miller, 87-112.  
 State Library Association, 294.  
 Sublett, Philip A., 306.  
 Sweet, George H., 302.  
 Swisher, J. W., 5.  
 Taxpayers' Convention, 95.  
 Taylor, Charles, 310.  
 Teel, Edward, 306; George, 306.  
*Telegraph and Texas Register, the*, 299, 332.  
 Terán, Domingo, 200.  
 Terrell, A. W., 113, 182, 299.  
 Texas Library and Historical Commission, 294, 336.  
*Texas New Yorker, the*, 302.  
*Texas Republican, the*, 302.  
*Texas State Gazette, the*, 299.  
*The Brazos Courier*, 332.  
*The City of Austin from 1839-1865*, by Alex W. Terrell, 113-128.  
*The Last Hope of the Confederacy*, by Major John Tyler, 129-145.  
*The Southwestern Boundary of Texas, 1821-1840*, by Thomas Maitland Marshall, 277-293.  
 Thomas, Benj., 306; Shedreck, 306; Wily, 306.  
 Thompson, Jack, 309.  
 Throckmorton, J. W., 88.  
 Torralba, Bartolomé de, 241.  
 Townes, John C., 85.  
 Treat, James, 290.  
 Turner, Judge E. B., 120.  
 Urrutia, Joseph de, 204, 228, 239, 246; Torribio de, 250.  
 Val Verde, Antonio de, 229.  
 Vargas, Diego, 229.  
 Velasco, battle of, 38-43; treaty of, 281.  
 Vergara, Father Gabriel de, 224, 235, 238.  
 Villar, Pascual, 161.  
 Waller, Edwin, 116.  
 Ward, Col. Thomas William, 124.  
*Washington Star, the*, 275.  
 Webb, James, 288.  
 White and Chiles, 4.  
 Williams and Guion, 107.  
 Williams, John A., 305.  
 Williamson, H. J., 55.  
 Winkler, E. W., 294, 330.  
 Wright, L. A., 340.  
 Wyatt, Peyton S., 166.  
 Young, Stark, 299.

246





F  
381  
S65  
v.14

The Southwestern historical  
quarterly

PLEASE DO NOT REMOVE  
CARDS OR SLIPS FROM THIS POCKET

---

UNIVERSITY OF TORONTO LIBRARY

---

